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A MANUAL

FOR THE

GUIDANCE OF OFFICERS

IN

THE ADMINISTRATION

OF

THE LAND REGISTRATION ACT, 1876.

DIVIDED INTO

PART I.—The Registration of Lands.
II.—The Certificate Procedure.

PUBLISHED UNDER THE AUTHORITY OF THE BOARD OF REVENUE, L.P.

CALCUTTA:
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PREFACE.

Mr. Reynolds.

This Manual has been compiled from Chapter V of Volume I of the Board's Rules (edition of 1878). The principal Act, VII (B.C.) of 1876, has been reprinted in it, with the amending Act V (B.C.) of 1878. The changes made in the rules from time to time have been brought up to date. The Board's circular orders on the subject of Land Registration have been examined, and all likely to prove useful have been incorporated in the Manual. The forms of Registers and Return now in use have also been included. Notes have been added to some sections of the Act, containing rulings of the High Court and decisions of the Board in important cases and other matter which it is desirable to preserve in a convenient form. An extract from the Inspection Manual has been given in the Appendix for the use of Inspecting officers. An Index has been added.

2. This Manual is one of the series referred to in the preface to The Board's Rules, 1888, as being in course of preparation, and, in future, reference should be made to it and not to the rules in the edition of 1878 which it supersedes. It will not be reproduced as a separate Chapter of a Volume of Board's Rules, but it is to be distinctly understood that it is issued under the authority of the Board, and that it is incumbent on the Revenue officers concerned to be guided by the rules contained in it.

3. This Manual may be briefly cited as "The Land Registration Manual, 1889." It is interleaved with blank pages for the purpose of inserting any additions or alterations made subsequent to its issue. Officers are requested to enter all correction slips in their proper places. Errors and omissions should be brought to the notice of the Board.

4. It will be observed that this Manual contains only the present law relating to Land Registration, with the rules now in force and other useful cognate matter. No attempt has been made to give an account of the previous legislation on the subject, dating from 1793. Administrators of a law as it exists are hardly likely to require to refer to the history of the measure. Those who are curious to examine it, or may hereafter be concerned with legislation in connection with the present law, will find it necessary to peruse (1) the proceedings of the Bengal Legislative Council of the following dates, viz., 1874, 19th December; 1875, 2nd January, 10th April, 13th November; 1876, 15th January, 12th February, 1st, 8th, 15th, 24th April, in which the Bill that became the Land Registration Act, 1876, was mentioned or debated; (2) the Resolution of the Government of Bengal in the Revenue Department, dated the 8th September 1876, published at pages 987-988 of the Supplement to the *Calcutta Gazette* of 13th September 1876; and (3) the Minute, dated the 16th September 1876, by the Lieutenant-Governor of Bengal, published at pages 1007-1012 of the Supplement to the *Calcutta Gazette* of 20th September 1876.

C. E. BUCKLAND,

Offg. Secretary:

BOARD OF REVENUE, L.P.,
The 25th January 1889.

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PART I.

THE REGISTRATION OF LANDS.

The law now in force regarding the "Registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof" is contained in the following Regulation and Acts:—

REGULATION OF THE GOVERNOR-GENERAL IN COUNCIL:—

Regulation VIII of 1800, section 19.

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL:—

Act VII (B.C.) of 1876.
Act V (B.C.) of 1878.

REGULATION OF THE GOVERNOR-GENERAL IN COUNCIL.

REGULATION VIII OF 1800.

Passed on the 3rd of July 1800.

A Regulation for preparing a general Pargana Register of lands; and for certain alterations in the prescribed registers of estates paying revenue, and lands held exempt from the payment of revenue. (*a*)

1 to 18—(*Repealed by Act VII (B.C.) of* 1876).

Extension of period for registration of bádsháhí grants, and assessment thereafter of all unregistered lands.

19. By section 26, Regulation XIX, 1793, section 21, Regulation XXXVII, 1793, and the corresponding sections in Regulations XLI (*b*) and XLII, (*b*) 1795, all lands held exempt from the payment of revenue, which the holders may have omitted to register by the time prescribed in the publication therein referred to, are become subject to the payment of revenue, unless sufficient cause be shown, to the satisfaction of the Governor-General in Council, for their not having been registered within the limited period.

It appearing, however, that the publications directed in section 25, Regulation XIX, 1793, section 20, Regulation XXXVII, 1793, and the corresponding sections in Regulations XLI and XLII, 1795, have not in every instance been made as therein directed, (namely, the publication respecting lands held under bádsháhí grants in the principal kachahrí of the holders of such grants; and respecting

(*a*) Declared to apply to the whole of the Lower Provinces except the Scheduled Districts Act XV of 1874.
(*b*) Repealed by Act XIX of 1873.

other exempted lands in the principal kachahrí of every proprietor and farmer of land paying revenue to Government; and of every Native Collector, in lands held khás by Government; or when the estate, farm or khás land may consist of two or more whole parganas, or portions of parganas, in the principal kachahrí of each pargana or portion of a pargana comprised in such estate, farm or khás land), the Collectors are hereby further directed, immediately on the receipt of this Regulation, to ascertain whether the publications above specified have been duly made as prescribed throughout their respective Collectorships; and if not, they are to cause the same to be made without delay, in the manner prescribed, as well as in their own kachahrís, and in the kachahrís of the Diwání Courts situated within their respective zilas; allowing the further period of one year from the date of such publications for the registry of the lands therein specified.

After the expiration of such period, any unregistered land found to be held exempt from the payment of revenue is to be assessed, under the provisions contained in the above Regulations, whenever the same may be discovered;

and the Collectors are to enter lands so assessed (together with all other lákhiráj lands which may be brought upon the public assessment) in their succeeding register of estates paying revenue, as well as in their register of intermediate mutations.

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

ACT VII (B.C.) OF 1876.

(Received the assent of the Lieutenant-Governor on the 22nd July 1876, and of the Governor-General on the 9th August 1876.)

An Act to provide for the Registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof.

Preamble.

WHEREAS it is expedient to make better provision for the preparation and maintenance of Registers of revenue-paying and revenue-free lands, and of the proprietors and managers thereof, and of certain mortgages of revenue-paying lands: It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Commencement.

1. This Act may be called the "Land Registration Act, 1876," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, which date is hereinafter referred to as the commencement of this Act.

CORRECTION SLIP FOR THE FIRST HALF OF SEPTEMBER 1903.

LAND REGISTRATION MANUAL, 1889.

SLIP NO. 1 OF 1903.

Insert the following between the phrases "Acts of the Lieutenant-Governor of Bengal, in Council" and "Act VII (B.C.) of 1876," on page 2 of the Land Registration Manual, 1889:—

CONTENTS OF ACT VII (B.C.) OF 1876, PAGES 2 TO 39.

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8-9-1903.

B. S. Press—1100J—1,200—23-9-1903—W. A. Mcl.

Regulations repealed.

2. From the commencement of this Act the Regulations mentioned in the schedule hereto annexed, to the extent specified in the third column thereof, shall cease to have effect in the Provinces subject to the Lieutenant-Governor of Bengal

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Civil Court."

(1) "Civil Court" means any Civil Court which is competent to hear and determine the matter with respect to which the words are used:

'Estate."

(2) "Estate" includes—

(*a*) any land subject to the payment of land revenue, either immediately or prospectively, for the discharge of which a separate engagement has been entered into with Government:

(*b*) any land which is entered on the revenue-roll as separately assessed with land revenue (whether the amount of such assessment be payable immediately or prospectively), although no engagement has been entered into with Government for the amount of revenue so separately assessed upon it as a whole:

(*c*) any land being the property of Government of which the Board shall have directed the separate entry on the General Register hereinafter mentioned.

Note 1.—The Board authorized the Collector of the 24-Pergunnahs to bring the tenures in Calcutta within the definition of estates under this section, and to register them separately in the General Register A. The forms of the Registers A and B, and of application for registration, were modified for Calcutta.—(Board's Proceedings of 21st October 1876 No. 265, and 3rd February 1877, No. 287).

Note 2.—The Board directed that under sub-section (*c*) the land comprised within each Noabad talook on the estate, the property of Government, which is known as the Government Noabad mehal, in Chittagong, be deemed for the purposes of this Act to be an estate, and be separately entered in the General Register of revenue-paying lands. (Board's Proceedings of 11th March 1882, No. 80, Collection 4, File 311).

Note 3.—In the district of Darjeeling the Board authorized a number of thirty years' leases, some hill tenures, a number of jotes in the Terai, a number of locations leased in perpetuity or on terminable leases (paying rent to the municipality or to local funds), and certain unsettled estates in the hills, being registered as estates under sub-section (*c*).—(Board's Proceedings of 7th July 1877, No. 447).

"Extent of interest."

(3) "Extent of interest" means the share or interest in an estate or revenue-free property of which the person with respect to whom the words are used is in possession as proprietor or manager.

"Lieutenant-Governor."

(4) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

'Local Division"

(5) "Local Division" means a sub-division, parganah, thanah, police division of jurisdiction, or other division according to which the Mouzahwar Register of the district is arranged.

(6) "Manager" means every person who is appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court to manage any estate or revenue-free property or any part thereof, and every person who is in charge of an estate or revenue-free property or any part thereof on behalf of a minor, idiot, or lunatic, or on behalf of a religious or charitable foundation

"Manager."

(7) "Mouzah" includes every village, hamlet, tolah, and other similar subdivision of land commonly in use in any district, by whatever name such subdivision may be known.

"Mouzah"

(8) "Proprietor" means every person being in possession of an estate or revenue-free property, or of any interest in an estate or revenue-free property, as owner thereof; and includes every farmer and lessee who holds an estate or revenue-free property directly from or under the Collector.

"Proprietor."

(9) "Recorded Proprietor" means any proprietor whose name, and the character and extent of whose interest in an estate or revenue-free property, stand registered in any General Register now existing or hereafter to be made under this Act.

"Recorded Proprietor"

(10) "Revenue-free Property" means any land not subject to the payment of land revenue which is included under one entry in any part of the General Register of revenue-free lands.

"Revenue-free Property."

(11) "Section" means a section of this Act.

"Section."

(12) "The Board" means the Board of Revenue of the Provinces for the time being subject to the Lieutenant-Governor of Bengal.

"The Board."

(13) "The Collector" means the Collector of the District to which a Register relates.

"The Collector"

(14) "The District" means the District to which a Register relates.

"The District."

PART II.

Of the Registers to be kept up by the Collector.

Collector to keep Registers.

4. The Collector of every District shall prepare and keep up the following Registers:—

A.—A General Register of revenue-paying lands.

B.—A General Register of revenue-free lands.

C.—A Mouzahwar Register of all lands revenue-paying and revenue-free.

D.—An Intermediate Register of changes affecting entries in the General and Mouzahwar Registers.

Forms, language, character, and arrangement of registers.

5. The Register shall be written in such forms, language, and character, and shall be arranged in such manner not being inconsistent with the provisions of this Act, as the Board from time to time may direct for each district.

The entries in each Part of the General Registers shall be numbered in one consecutive series for the whole District, and shall follow one alphabetical arrangement, running from the beginning to the end of the Part.

The General Register of revenue-paying lands.

6. The General Register of revenue-paying lands shall consist of two Parts :—

Part I.—Book of estates borne on the revenue-roll of the District.

Part II.—Book of lands situated in the District appertaining to estates borne on the revenue-rolls of other districts.

Part I of the General Register.

7. In Part I of the General Register of revenue-paying lands shall be entered the name of every estate which is borne on the revenue-roll of the District, and the following particulars relating to every such estate :—

(*a*) name of the estate ;

(*b*) number of the estate on the revenue-roll of the District, and the annual amount of revenue for which it is liable ;

(*c*) names and addresses of the proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee ;

(*d*) name of every local division in which any lands of the estate are situated, whether in the district, or in any other district, with specification under each local division of

(*i*) the number of mouzahs containing such lands,

(*ii*) the name of each mouzah,

(*iii*) the number which each mouzah bears under the local division in the Mouzahwar Register, and

(*iv*) the area of land appertaining to the estate which each mouzah contains, if ascertained by survey or other authentic measurement ;

(*e*) reference to entries made in the Intermediate Register after the preparation of the General Register.

Part II of the General Register.

8. In Part II of the General Register of revenue-paying lands shall be entered the name of every estate which comprises lands situated in the district, but which is borne on the revenue-roll of some other district, and the following particulars relating to every such estate :—

(*a*) name of the estate ;

(*b*) name of the district on the revenue-roll of which the estate is borne, with the number which the estate bears on that roll, the annual amount of revenue for which it is liable, and the number which the estate bears in Part I of the General Register of revenue-paying lands for its own district ;

(*c*) names and addresses of the proprietors, managers, or mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee;

(*d*) name of every local division of the district to which the Register relates, in which any lands of the estate are situated, with a specification under each local division of

(*i*) the number of mouzahs containing such lands,
(*ii*) the name of each mouzah,
(*iii*) the number which each mouzah bears under the local division in the Mouzahwar Register of the district, and
(*iv*) the area of land appertaining to the estate which each mouzah contains, if ascertained by survey or other authentic measurement;

(*e*) reference to entries made in the Intermediate Register after the preparation of the General Register.

General Register of revenue-free lands.

9. The General Register of revenue-free lands shall consist of three Parts—

Part I.—Book of lands held exempt from revenue in perpetuity.

Part II.—Book of lands occupied for public purposes without payment of revenue.

Part III.—Book of unassessed waste lands and other lands not included in Part I or Part II of the General Register of revenue-free lands.

Part I of the General Register of revenue-free lands.

10. In Part I of the General Register of revenue-free lands shall be entered all lands held under badshahi, hukami, and other lakhiraj grants which have been declared to be valid by competent authority,

all lands in which the Government has conferred a proprietary title free in perpetuity from any demand on account of land revenue, in consideration of the payment of a capitalized sum, or for any other reason,

and any lands of which the Board, on a full report of the circumstances of the case, shall have sanctioned the entry in this part of such Register.

Part I of such Register shall, as far as possible, contain the following particulars in respect of each entry:—

(*a*) name of the revenue-free property with the character of the tenure—whether jaghir, altumgah, devatter, bishanpirit, purchased revenue-free, redeemed, or otherwise;
(*b*) date of the grant or title being conferred;
(*c*) nominal area granted;
(*d*) names of the grantor and original grantee;
(*e*) reference to any decree or other order of competent authority declaring or recognizing the grant to be valid;

(*f*) names and addresses of the proprietors and managers of the revenue-free property, with the character and extent of the interest of each proprietor and manager;

(*g*) name of every local division in which any land appertaining to the property is situated, whether in the district or in any other district, with specification under each local division of

(i) the number of mouzahs containing such land,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register, and

(iv) the area of land appertaining to the revenue-free property which the mouzah contains, if ascertained by survey or other authentic measurement, with specification of the number of each field according to the papers of such measurement;

(*h*) reference to entries in earlier Registers relating to the property or any part thereof;

(*i*) reference to entries made in any Intermediate Register after the preparation of the General Register.

Note.—A question having been raised whether lands which were released without assessment under Regulation II of 1819 as being under 100 bighas in extent should or should not be entered in Register B, Part I, it was ruled that, in those districts in which lands released under section 3 of that Regulation were entered in the old Register C, they should be entered in the new Register B, Part I; but, where they were not entered in old Register C, they should not now be entered for the first time.—(Board's Proceedings of 3rd September 1881, No. 346, Collection 2, File 254).

Part II of the General Register of revenue-free lands.

11. In Part II of the General Register of revenue-free lands shall be entered all lands which are occupied by the Government, or by any public body, for public purposes, and on account of which no land revenue is demanded.

It shall contain the following particulars:—

(*a*) area of the land comprised in each entry;

(*b*) names of the local divisions and mouzahs in which the lands are situated, with area in each mouzah, and a reference to the number under which each mouzah is entered in the Mouzahwar Register of the local division;

(*c*) name of the department of Government or of the public body by which the land is occupied;

(*d*) the purpose for which it is occupied;

(*e*) the date and particulars of the appropriation of the land to such purpose;

(*f*) reference to entries in the Intermediate Register made after the preparation of the General Register.

Part III of the General Register of revenue-free lands.

12. In Part III of the General Register of revenue-free lands shall be entered all waste and other lands (not being included in any other part of the General Register) which are not assessed to land revenue. It shall contain the following particulars:—

(*a*) name and number of the lot, or other particulars identifying the property;

(*b*) area comprised in each entry;

(*c*) name of every local division and mouzah in which lands of the property are situated, with area in each mouzah, and a reference to the local division and number under which each mouzah is entered under the local division on the Mouzahwar Register;

(*d*) reference to entries in the Intermediate Register made after the preparation of the General Register.

Board may direct that three last sections shall not apply to any district.

13. If it shall appear to the Board that the circumstances of any district are such that it is not desirable or practicable to prepare the Register of revenue-free lands in the manner described in the three last preceding sections, the Board may direct that the said sections shall not apply to such district, and may lay down rules not being inconsistent with the provisions of this Act, in respect of the registration of revenue-free lands and of the proprietors and managers thereof, provided that such rules shall require the registration of the name of one or more persons as liable for the discharge of the duties and obligations referred to in section sixty-eight, in respect of all lands which under such rules may be registered as separate revenue-free properties.

Such rules, when they shall have been sanctioned by the Lieutenant-Governor and published in the *Calcutta Gazette*, and otherwise locally as the Lieutenant-Governor may order, shall, from such date as the Lieutenant-Governor may direct, have the same force as if they were included in this Act.

Note.—No registration of revenue-free lands, the area of which is less than two local mâns, is required in the district of Cuttack; *see* rule 11, Chapter V, and the Notifications of July, 7th and 8th, 1888, in the Appendix.

Purpose of the Mouzahwar Register.

14. The Mouzahwar Register shall be kept up for the purpose of showing, in a connected form, the mouzahs situated in each local division, and the lands, whether revenue-paying or revenue-free, of which each mouzah consists.

Mouzahwar Register to be arranged according to local divisions.

15. The Mouzahwar Register shall be arranged and divided according to sub-divisions, parganahs, thanahs, police jurisdictions, or such other local divisions of the district as the Board may from time to time direct for each district; the entries of mouzahs shall have a separate series of consecutive numbers, and a separate alphabetical arrangement for each local division.

The Mouzahwar Register shall contain the following particulars:—

(*a*) name of the mouzah;

(*b*) total area of mouzah if ascertained by survey or other authentic measurement, with a reference to the authority for the entry;

(*c*) name of every estate or revenue-free property to which any of the lands of the mouzah appertain, with a reference to the entry of each on the General Register, and a specification of the area of land in the mouzah which

" acres." 12-12-99.

For the note to section 13 on page 8 of the Land Registration Manual *substitute* the following :—

" ***Note.***—No revenue-free lands, the area of which is less than two acres, to be registered in the districts of Cuttack, Balasore and Puri; *see* rule 11, Chapter V, and the notifications in the Appendix on page 85 of the Manual."

NOTE.—The whole list of proprietors in Register A shall be entered in column 5 of Register D on the first mutation; on the second, it shall be sufficient to refer in that column to the previous entry and to specify distinctly the change then made; on the third, the entry made at the time of second mutation might similarly be referred to, and the change at that time made be noticed, and so on. For example, the list of proprietors in Register A consists of the names of A, B, C, D, E, F, and G. At the first mutation the name of H is substituted for G. In column 5 of Register D will be entered all the names from A to G inclusive, and the mutation of H's name for G's will be mentioned in column 6. At the second mutation the names of J and K are substituted for A and B. The usual entry will be made in column 6. In column 5 the page of the entry at the first mutation will be stated, and it will be added that H's name was then substituted for G's. At the third mutation a similar entry will be made with reference to the second mutation, and so on.—(*Board's Proceedings of 1st February* 1890, *No.* 126, *Collection* 8, *File* 284 *of* 1880.)

11-1-90.

appertains to each, if ascertained by survey or other authentic measurement, with a reference to the authority for such entry;

(*d*) gross rental of the area of land in the mouzah which appertains to each estate or property, if such rental has been ascertained during management of the lands by the Collector or by other authentic means, with a reference to the authority for the entry;

(*e*) reference to entries made in Intermediate Registers after the preparation of the Mouzahwar Register.

Intermediate Registers.

16. Intermediate Registers shall be kept up for the purpose of recording therein from time to time changes affecting the entries which stand in the General and Mouzahwar Registers, so that by a reference to them in connection with those Registers correct information up to date on the points recorded may be obtained at any time; also for the purpose of keeping together, as far as possible, in a convenient form, the information which will eventually be required for re-writing the General and Mouzahwar Registers.

Division of the Intermediate Register.

17. The Intermediate Register shall consist of two Parts, as follows:—

Part I.—Book of changes affecting entries relating to revenue-paying lands.

Part II.—Book of changes affecting entries relating to revenue-free lands.

Particulars of Part I of the Intermediate Register.

18. In Part I of the Intermediate Register shall be recorded in a convenient form all changes in the names of proprietors, managers, and (so far as this Act requires) mortgagees, and in the character or extent of the interest of each such proprietor, manager, and mortgagee, and such other changes affecting any entry standing in the General Register of revenue-paying lands, or any entry in the Mouzahwar Register relating to revenue-paying lands, as cannot conveniently be entered against such entry in the General or the Mouzahwar Register. It shall contain the following particulars:—

(*a*) name of the estate affected, with references to the number it bears on the General Register of revenue-paying lands, the number it bears on the revenue-roll, and the amount of revenue for which it is liable;

(*b*) references to previous entries in the Intermediate Register relating to the estate;

(*c*) particulars of the change, with a reference to the authority under which it is made;

(*d*) the numbers borne by the entries in each Part of the General Register of revenue-paying lands, and under each local division in the Mouzahwar Register, which are affected by the change here recorded.

Note.—On a question being raised regarding the correct procedure for filling in column 5 of Register D, the Board held that that column should show

the exact and full list of all proprietors of the estate as in Register A, while all mutations are required to be shown in column 6. On the occasion of a first mutation after the preparation of Register A, column 5 of the entries in Register D should be an exact copy of column 4 of Register A. On the occasion of a second and future mutations, column 5 of the entries in Register D should show the names of all the proprietors and interests, &c., as they stand after carrying out the mutation ordered on the previous occasion, as detailed in column 6 of the last previous entry in Register D relating to the same estate. (Board's Proceedings of 31st December 1880, No. 275, Collection 8, File 284).

Particulars of Part II of the Intermediate Register.

19. In Part II of the Intermediate Register shall be recorded all changes in the names of proprietors and managers of revenue-free properties, and in the character and extent of interest of each such proprietor and manager, and such other changes affecting any entry standing in the General Register of revenue-free lands, or any entry relating to revenue-free lands in the Mouzahwar Register, as cannot conveniently be entered against such entry in the General or the Mouzahwar Register. It shall contain the following particulars:—

(*a*) name and character of the revenue-free property to which the lands appertain, and number which it bears in any part of the Register of revenue-free lands;

(*b*) reference to previous entries in the Intermediate Register relating to the property;

(*c*) particulars of the change, with a reference to the authority under which it is made;

(*d*) the numbers borne by the entries in the General Register and under each local division in the Mouzahwar Register which are affected by the change here recorded.

PART III.

Of the Preparation and Maintenance of the Registers.

Old Registers to be in force till new Registers prepared.

20. Until the Registers by this Act directed to be prepared are so prepared, the existing Registers now kept up in the office of every Collector shall be deemed to be the Registers kept up under this Act, that is to say—

The existing General Register of revenue-paying estates, shall be deemed to be the General Register of revenue-paying lands;

The existing Parganah Register (Part II) of revenue-free lands shall be deemed to be the General Register of revenue-free lands, and the Mouzahwar Register in respect of revenue-free lands.

The existing Parganah Register (Part I) of revenue-paying lands shall be deemed to be the Mouzahwar Register in respect of revenue-paying lands

The existing Register of Intermediate Mutations shall be deemed to be the Intermediate Register of changes affecting entries in the General and Mouzahwar Registers;

And all the provisions of this Act shall, as far as possible, be deemed to be applicable to such Registers, and to the registration

therein of the names and interests of proprietors, managers, and mortgagees.

How Registers to be prepared.

21. The first General Registers and the first Mouzahwar Register under this Act shall be prepared for each district at such time as the Board may direct from the entries in the existing Registers mentioned in the last preceding section, and from any other authentic information available to the Collector.

Board may order new Registers to be prepared.

22. The Board may order new Registers to be prepared whenever it may think fit, and such Registers shall be prepared from the Registers existing at the time of such order, and from the entries of subsequent changes in the Intermediate Registers, and from any other authentic information available to the Collector; and such additions to, omissions from, and alterations in, the entries as they appeared in the previous Registers, shall be made as subsequent changes have rendered necessary; and the authority for every change shall be expressly referred to.

Entry of estate on any Part of a General Register.

23. Whenever, after the preparation of the General Registers, it may be necessary to bring any estate or revenue-free property on to any Part of such Registers on which such estate or property is not already borne, such estate or property shall be at once brought on to such Part under a new number, in continuation of the last number already borne on such Part; and a note referring to such entry shall be made in the place in the General Register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section five.

Entry of mouzah under local division of Mouzahwar Register.

24. Whenever, after the preparation of the Mouzahwar Register, it shall be necessary to enter any mouzah under any local division of such Register under which it is not already borne, such mouzah shall be at once brought under the proper local division with a new number, in continuation of the number borne by the last entry under such local division; and a note referring to such entry shall be made in the place in the Mouzahwar Register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section fifteen.

Entries made under two preceding sections to be in chronological order.

25. All new entries made in the General and Mouzahwar Registers after their preparation, as prescribed in the two last preceding sections, shall be made in chronological order.

Note to be made on General Register.

26. After the General Register of revenue-paying lands shall have been prepared, a note shall from time to time be made on such Register against the estate affected

of every alteration which may be ordered by competent authority in the amount of revenue assessed on any estate;

of every partition of an estate into two or more estates;

of every change involving the removal of an estate from the Part of the Register on which it is borne;

of the redemption of every mortgage in respect of which the name of the mortgagee shall have been entered on the Register;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the Register space shall be left for the future entry of such notes against each estate.

Any other changes affecting the entries as they stand in the Register may be recorded in Part I. of the Intermediate Register, as provided in section eighteen, and a reference shall be made in the General Register against the estate affected to every entry which may be made in the Intermediate Registers recording any such change.

Note on General Register of revenue-free lands.

27. After the General Register of revenue-free lands shall have been prepared, a note shall from time to time be made on such Register against the property affected

of every case in which lands entered as revenue-free may be declared liable to assessment, and assessed by competent authority;

of every partition of a revenue-free property into two or more properties;

of every change involving the removal of a revenue-free property from the Part of the Register on which it is borne;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the Register space shall be left for the future entry of such notes against each estate

Any other changes affecting the entries as they stand on the Register may be recorded in Part II of the Intermediate Register as provided in section nineteen.

Collector, after making inquiry, may make change in his Register.

28. Whenever it shall come to the notice of the Collector that any change has occurred which affects any entry in his Registers, and renders necessary any alteration therein, the Collector, after making such inquiry as may be necessary, shall make such alteration:

Provided that notice shall be given to the recorded proprietors and managers of any estate or revenue-free property before any change is made in any way affecting such estate or property, and to every person whose name the Collector is about to register as proprietor or manager of any estate or revenue-free property, before such registration is effected; and any objections which may be made to the proposed change or registration shall be duly considered by the Collector before he orders such change or registration to be made.

Note 1.—It should be observed that the notice required by this proviso must be given before the alteration contemplated by the Collector can be made.

Note 2.—Several proprietors of a number of very small resumed estates (who had been fined under section 65), notwithstanding all the stringent measures adopted against them, did not come forward to apply for registration. The Board directed that the Collector should act in the spirit of section 28, adding "There seems to be nothing illegal in filling up the registers without application, provided that notice be given as required by that section." (Board's Proceedings of 7th June 1879, No. 180, Collection 5, File 184).

Note 3.—On the 16th January 1885 a District Judge granted a certificate under Act XXVII of 1860 in respect of an estate. On the 6th February 1885

another claimant's name was registered in the Collector's registers. On the certificate-holder's application to have his name substituted in the register, the Board held that there was no such change as would justify interference under section 28. The Board added: "The Judge's order was passed before —'s name was registered, and in any case the grant of a certificate under Act XXVII of 1860 could not affect the title to the land. The appellant (the certificate-holder) must establish his title in the Civil Court before he can call upon the Collector to register his name. Under the circumstances of the case as they stand at present, the Collector had not the least ground for altering the existing entry." (Board's Proceedings of 11th September 1886, No. 177, Collection 7, File 9).

Collector may in certain cases order name of proprietor to be struck out of the register.

29. Whenever it shall appear to the Collector, in the course of an inquiry made in respect of an application under section thirty-eight or section forty-two, or otherwise, that any person whose name is recorded in the General Register as proprietor or manager, or joint proprietor or joint manager of an estate or revenue-free property, is no longer in possession of any interest in such estate or property as proprietor or manager, and that the names of other persons have been recorded as proprietors or managers of every portion of the interest in respect of which such proprietor's or manager's name was borne on the Register, the Collector may order the name of such person to be struck out from among the recorded proprietors or managers of such estate or property, and, if required, may grant him a certificate to that effect.

Information to be supplied to Collector.

30. To enable the Collector more effectually to maintain his registers,

(*a*) Whenever any competent authority may direct that any estate be transferred from the revenue-roll of one district to that of another, the Collector of the district from the revenue-roll of which the estate is to be transferred shall transmit, to the Collector of the district to the revenue-roll of which the transfer is to be made, a copy of all entries in any of the Registers relating to the estate to be so transferred, and entries taken from such copy shall be made in the proper Registers of the district to which the transfer is made.

(*b*) Whenever the Collector of any district shall make an entry, or any alteration of an entry, in his Registers, which will affect any entry required to be made under this Act in any Register of another district, such Collector shall transmit to the Collector of such other district copy of such entry as made or as altered, and the Collector to whom such copy is transmitted shall cause the necessary entries, or alteration of entries, to be made in the Registers of his district.

(*c*) Every proprietor and manager of an estate or revenue-free property in which any new village may be established, whether under the name of tolah, kismat, or any other designation, shall forthwith give notice to the Collector of the establishment of such new village.

Provided that the Board may exempt any district or part of a district from the operation of this clause.

(*d*) Every proprietor and manager of an estate or revenue-free property, and any person holding any interest in land, or employed in the management of land, shall be bound, on the requisition of the Collector, to furnish any information required by the Collector, for the purpose of preparing, making, or correcting any entry of the particulars specified in sections seven, eight, ten, eleven, twelve

or fifteen, or to show to the satisfaction of the Collector that it is not in his power to furnish the required information.

Such requisition shall be made by a notice to be served in the manner prescribed by section fifty, requiring the production of such information before a date mentioned in such notice.

Note 1.—The Collector of—reported that the procedure prescribed in sections 30 and 31 was not found sufficiently efficacious to compel parties to appear or produce evidence promptly, and the Commissioner enquired whether the procedure laid down in section 65 might not be adopted. The Board observed that as clauses imposing penalties must be read literally, it would not be altogether right to read section 65 as proposed. They thought that the very stringent powers conferred by sections 30 and 31 could scarcely fail to attain the object if properly used. (Board's Proceedings of 30th May 1879, No. 188, Collection 5, File 179.)

Note 2.—The Commissioner of—enquired whether cases, where the parties have either omitted to give, or have given incorrect, information regarding the number or the local situation of the estate in which the interest is claimed, or as to the extent of share when it is derived from one or more persons, and who, on being called upon to furnish correct information, have failed to do so, cannot be struck off on technical grounds. The Board replied that in such cases the Collector must exercise a reasonable discretion. He should not allow the object of the Act to be defeated by any neglect on the part of any person to furnish full and accurate information. If such information is withheld, he should not strike off the case, but should exercise the powers with which he is invested under sections 30 (*d*) and 31. The Board added—"But cases will often occur in which the registration is already complete, and the Collector has no reason to suppose that any alteration is necessary, but claims are put forward by persons who desire to be entered in the register. It is for the Collector in such cases to decide whether or not he will exercise the power which the law gives him. If he has grounds for believing that the information is necessary for the completion of his registers, he should not strike off the case, but should insist upon the production of the information. But if this is not the case, there is no objection to his striking off applications which are not supported by proper particulars. He should ascertain, in the first place, whether the registration of the mehal is already complete. He should next consider whether the claim is adverse to an entry already registered, it being borne in mind that a mere mutation of names by succession is not an adverse claim. If the registration is complete and the claim is adverse, he may strike off the case on technical grounds, but otherwise he should exercise the power which the law gives him to compel the production of the necessary information." (Board's Proceedings of 3rd October 1885, No. 41, Collection 7, File 22.)

Penalties for failing to give notice or furnish information.

31. Whoever, being bound by clause (*c*) of the last preceding section to give notice to the Collector of the establishment of any new village, or under clause (*d*) of the said section to furnish any information required by the Collector, shall voluntarily or negligently omit to give such notice or furnish such information, or to show to the satisfaction of the Collector that it is not in his power to furnish such information, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees, for such omission, and the Collector may impose such further daily fine as he may think proper, not exceeding fifty rupees, for each day during which such person shall omit to furnish the information required under clause (*d*) after a date to be fixed by the Collector in a notice warning the person required to furnish such information that such further daily fine will be imposed.

Note 3.—On a reference made to the Board by the Commissioner of—, the following reply was sent:—"Sections 30 and 31 appear to the Board to be of general application, and there is no reason why they should not be extended to cases coming under Part IV of the Act. A person who applies to the Collector under Section 42 is, by his own showing, a proprietor, and there can be no hardship to him in treating him as such.

"At the same time the Collector should bear in mind that the powers given him under Section 30 are intended to enable him more effectually to maintain his registers. The Collector should not use the section indiscriminately for the purpose of enforcing the production of evidence in support of a claim. He should consider, not whether the evidence is of importance to the claimant, but whether it is of importance to the accuracy and completeness of the register. If the Collector exercises a proper discretion, the Board think that it will very seldom be found necessary to have recourse to the section. If the register is incomplete, or if the Collector has reason to believe that it requires correction, he may and should make use of the power which the section confers upon him: but there is no reason why he should put the section in force for any other purpose."—(Board's Proceedings of 6th February 1889, No. 321, Collection 16, File 2.) 4-4-89.

Such notice shall be served in the manner prescribed by section fifty, and the date fixed by such notice shall not be less than fifteen days after service thereof.

The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section notwithstanding that an appeal against the order imposing such fine may be pending.

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

Note 1.—The penalty sanctioned under this section can only be enforced in cases in which the notice under section 30 has proved inoperative. The notice under section 31 merely warns the person required to furnish information under section 30 that under certain circumstances, and after a fixed date, he will be liable to a further daily fine if he omits to furnish the information. (Board's Proceedings of 19th February 1881, No. 6, Collection 5, File 272)

Note 2.—See also note 2 to section 38.

When Register may be altered on order of Civil Court.

32. Whenever any Civil Court makes a decree confirming any transfer of proprietary possession which has already been made in any estate or revenue-free property, or gives effect to any decree transferring any such possession, such Court may order the transfer to be registered in the Registers of the Collector, and the Collector shall register such transfer accordingly.

Lands held without payment of rent deemed to be part of certain estates.

33. All lands which are held without payment of rent, not being a revenue-free property entered in the General Register of revenue-free lands as prescribed by sections ten, eleven, or twelve, and not being a part of any such property, shall, for the purposes of this Act, be deemed to be a part of the estate within the local boundaries of which they are included; and if they are not included within the local boundaries of any one estate, then to be a part of such neighbouring estate as the Collector shall, by an order under his seal and signature, declare.

Collector may include any lands in an estate.

34. Whenever it shall appear to the Collector that any lands which are not included in any estate as entered in the existing General Register should be included in any such estate for the purposes of this Act, the Collector shall cause a notice, addressed to the person who is believed to be in possession of such lands, to be served in the manner prescribed by section fifty, and a general notice to be published as prescribed by section forty-nine, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may think fit to allow.

After the expiration of the said month or other period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said estate for the purposes of this Act.

ADD the following as note 3 to section 38 of Act VII (B.C.) of 1876 at page 17 of the Land Registration Manual, 1889 :—

† NOTE 3.—A question having been raised as to how the registration of the name of a Hindu god as the proprietor of certain estates should be made under the Land Registration Act, VII (B.C.) of 1876, the Legal Remembrancer has expressed the following opinion :—

"The name of the Manager, *Shebait*, or Trustee should be entered as Manager under section 38 of Bengal Act VII of 1876, and the name of the idol should also be entered as proprietor. This double entry would be consistent with the provisions of the Act, and prevent misconception which sometimes leads to fraud. That an idol is a juridical "person" capable of being endowed with and holding lands, has been held in numerous decisions of the High Court and the Privy Council. In Girijanand Datta Jha *v.* Sailajanand Datta Jha, reported in I. L. R., XXIII Cal., 645, the High Court in its judgment observed (top of page 655):—"Decisions too clear and authoritative to be doubted or disregarded have repeatedly laid down that an idol in Hindu law is capable of holding property, and that property dedicated to an idol belongs to the idol, and not to the *Shebait* or priest, *vide* Sibessari Debia *v.* Mathura Nath Acharya (13 Moore's I. A., 270), and Prosonna Kumari Debya *v.* Gopal Chand Baboo (23 W. R., 253; L. R. 2, I. A., 145).

"When one Manager or *Shebait* succeeds another, there should be a mutation of names, the name of the idol as proprietor continuing the same."—(*Board's Proceedings of 21st January 1902, No. 2, Collection 10, file 32 of 1902.*) 2-7-1902.

such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may allow.

At the expiration of the said month or of such period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said property for the purposes of this Act.

PART IV.

Of the Registration and Mutation of Names.

Proprietor and manager to register within specified time.

38. Every proprietor of an estate or revenue-free property, or of any interest therein, respectively, being in possession of such estate, property, or interest, at the commencement of this Act,

every joint proprietor of an estate or revenue-free property being in charge of such estate or property, or of any interest therein, respectively, on behalf of the other proprietors thereof, at the commencement of this Act,

and every person being manager of an estate or revenue-free property, or of any interest therein, respectively, on behalf of a proprietor thereof, at the commencement of this Act,

shall, if his name and the character and extent of his interest have not already been registered, make application in the manner hereinafter provided for the registration of his name and of the character and extent of his interest as such proprietor, or manager, to the Collector of the district on the General Register of which such estate or property is borne, or to any other officer who may have been empowered by the Collector to receive such application, within such time as the Lieutenant-Governor may fix as hereinafter provided.

Note 1.—With respect to the registration of the ghatwali tenures called gadis in Hazaribagh, Government, after consulting the Law officers, directed that, while the local officers must admit to registration all *bonâ fide* possessors (who are bound to apply under section 38), they must carefully record in the order in each case the fact that such admission is not to be taken as a recognition by Government of the right of transfer, and that under section 89 all the rights of Government are reserved. (Board's Proceedings of 4th January 1879, No. 9, Collection 3, File 34.)

Note 2.—Persons who omit to apply for registration under this section should be dealt with under the provisions of section 65 and not 31, which does not apply to the case. (Board's Proceedings of 19th February 1881, No. 6, Collection 5, File 272.)

Lieutenant-Governor may fix date before which proprietor and manager must apply for registration.

39. The Lieutenant-Governor shall, within six months from the commencement of this Act, fix for each district the date or dates before which such proprietors and managers, being in possession of estates or revenue-free properties, or of any interest therein, respectively, at the commencement of this Act, shall be required to apply for registration of their names, and of the character and extent of their interests, under the last preceding section, and may at any

time alter any date so fixed, provided that no date so fixed shall be later than five years after the said commencement.

Note 1.—The notifications issued under this section and section 40 will be found in the Appendix.

Note 2.—Practical inconvenience has been felt from the limitation of five years in the case of Government property, and it is a question whether the Act should not be amended by the omission of this proviso, so as to admit of action being taken under this section whenever the Board or Government think fit. (Board's memorandum of 27th November 1884.)

Lieutenant-Governor may fix different dates in respect of different estates.

40. The Lieutenant-Governor may in any district, for the purposes of the last preceding section, fix different dates in respect of estates and revenue-free properties, or in respect of different classes of estates and revenue-free properties, or in respect of different portions of the district:

Provided that no person shall incur any penalty or disability under this Act for failure to apply for registration of his name as such proprietor or manager as aforesaid, until after the lapse of six months from the date on which the notice prescribed by the next succeeding section shall have been published in respect of his estate or property, or in respect of the class of estates or revenue-free properties within which his estate or property falls or in respect of the portion of the district in which his estate or revenue-free property is situated.

Note.—See note 1 to section 39.

Publication of date fixed by Lieutenant-Governor.

41. Every date fixed by the Lieutenant-Governor as provided in the two last preceding sections shall be published by a notice in the *Calcutta Gazette*;

and also by notices to be posted up

at the Court or office of the Judge, the Magistrate, and the Collector of the district, in respect of which such date is fixed,

at the Court or office of every Munsif, Subdivisional Officer, and Sub-Registrar of Assurances in such district;

and at every police-station in such district;

and by proclamation to be made by beat of drum at the headquarters of such district, and in every place in which a subdivisional office is situated, and in such other places as the Lieutenant-Governor may direct.

The officer in charge of every court, office, and police-station at which a notice is required to be posted up under this section shall certify to the Collector the date on which the notice was so posted up at his court, office, or police-station, and the latest date so certified shall be deemed to be the date of publication of the notice for the purposes of the two last preceding sections.

Persons succeeding to proprietary right in, or management of, estates to give information within six months.

42. Every person succeeding, after the commencement of this Act, to any proprietary right in any estate or revenue-free property, whether by purchase, inheritance, gift, or otherwise;

every joint proprietor of an estate or revenue-free property, assuming charge after such commencement of such estate or property, or of any interest therein, respectively, on behalf of the other proprietors thereof;

and every person assuming charge after such commencement of

†*Note* 2.—On the purchase of an estate by Government at a sale for arrears of revenue, the Collector should, on behalf of Government as proprietor, apply under this section and Rule 1, Chapter IV, of the rules (following the same procedure as is required by the law from private proprietors), in form E in the Appendix, and make an entry in due course in Register D, Part I of Intermediate Mutations.—(Board's Proceedings of 11th April 1890, No. 49, Collection 8, File 14 of 1890.) 1-4-90.

any estate or revenue-free property, or of any interest therein, respectively, as manager,

shall, within six months from the date of such succession or assumption of charge, make application in the manner hereinafter provided to the Collector of the district on the General Register of which such estate or property is borne, or to any other officer who may have been empowered by such Collector to receive such applications, for registration of his name and of the character and extent of his interest as such proprietor or manager.

Note—There is nothing in the law to support the view that a proprietor succeeding to an estate formerly owned by a person who was not registered under section 38 is debarred from having his name registered under section 42, until the names of the persons to whose proprietary rights the applicants under section 42 claimed to have succeeded had been duly registered under applications made in accordance with the provisions of section 38. The mere fact of the old proprietors' names not being registered cannot affect the right of his successor. The omission of a proprietor to have his name registered does not involve forfeiture of his right, but subjects him simply to fine under section 65. (Board's Proceedings of 18th April 1878, No. 63, Collection 7, File 52.)

Lieutenant-Governor may exempt certain proprietors from obligations imposed by this Act.

43. Notwithstanding anything contained in section thirty-eight or the last preceding section, the Lieutenant-Governor may in any district exempt proprietors and managers of all or any estates which are liable to pay less than twenty rupees of land revenue annually, and proprietors and managers of all or any revenue-free properties which consist of less than fifty acres of land, from the obligations imposed by this Act in respect of applying for registration of their names, and may at any future time withdraw such exemption and require such proprietors and managers to register their names.

Mortgagee may apply for registration.

44. Every person who holds a mortgage of any proprietary right in any estate may apply to the Collector for registration of his name as such mortgagee, and of the interest in respect of which he is such mortgagee; and in such application shall specify whether he or the mortgagor is in possession. On receipt of such application the Collector shall proceed, as far as possible, according to the manner hereinafter prescribed in respect of applications for registration as proprietor.

Presentation of application.

45. Any application for registration under this Act may be presented by the applicant or by some person duly authorized by him in that behalf.

Manager to specify extent of interest of each person for whom he manages.

46. If the applicant under section thirty-eight or section forty-two is a joint proprietor in charge as aforesaid, or a manager, he shall in his application specify the name of the person or persons on behalf of whom he is in such charge or on behalf of whom he is manager, and the character and extent of the interest of every such person.

If application is for registration as manager, appointed by authority, Collector shall register name of applicant on proof of appointment.

47. If the application under section thirty-eight or section forty-two be for registration of the name of the applicant as manager appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court, the Collector shall register the name of the applicant, on proof being produced to his

satisfaction that the applicant has been so appointed to be such manager.

Notice to objectors.

48. If the application be for registration otherwise than as manager appointed as mentioned in the last preceding section, and if it sets forth circumstances which would justify the Collector in registering the name of the person whose name is required to be registered, or if after further inquiry the Collector considers that such circumstances exist, he shall issue a notice requiring all persons who object to the registration of the name of the person whose name is required to be registered, or who dispute the character or extent of the interest in respect of which it is required to be registered, to give in a written statement of their objections, and to appear on a day to be specified in such notice, not being less than one month from the date of the publication thereof.

Note.—This section expressly requires notices to objectors to be issued before admitting applications for registration as managers, except in the case of managers appointed, as mentioned in section 47, *i.e.*, by the Collector, the Court of Wards, or any Civil or Criminal Court. In such cases the status of the manager is apparently considered sufficient guarantee to justify the Collector in accepting his statements. But in any case of doubt the Collector may make any further enquiry to satisfy himself as to the correctness of the extent and character of proprietary interests as stated by the manager, or on any other point. (Board's Proceedings of 8th December 1877, No. 14.)

Publication of notice.

49. Such notice shall be published by affixing a copy of the same on or at all the following places:—

(*a*) the zamindari kutchery (if any) of the estate or other place at which the rents are ordinarily received;

(*b*) some conspicuous place in at least one village appertaining to the estate to which the application relates, and if the estate comprises lands situated in more than one local division, then in at least one village in each local division containing such lands;

(*c*) the office or Court of every Collector, Subdivisional Officer, Judge, and Munsif, within whose jurisdiction, and every police-station within the jurisdiction of which any of the lands to which the application relates are known to be situated.

Notice to transferor.

50. If the application alleges that the applicant has acquired possession of the interest in respect of which he applies to be registered by transfer from any living person, a copy of such notice shall be served on the alleged transferor by tendering to the person to whom it may be directed a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person, or to some adult male member of his family; or in case it cannot be so served, by posting such copy upon some conspicuous part of the usual or last known place of abode of such person.

In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing such notice may direct.

No fees or other costs shall be payable by the applicant in respect of the service or publication of the notice prescribed by this and the last preceding section.

Note to the second paragraph.—When a Collector in Bengal desired to serve notices on persons residing in the North-Western Provinces and the Collector of the district in the North-Western Provinces declined to serve them, the Board directed the former to send the notices by a registered letter.—(Board's Proceedings of 16th May 1885, No. 36, Collection 9, File 10.)

Note to the last paragraph.—"Complaints have, however, reached the Board that the provisions of this section of the law are being systematically set at defiance by the collectorate amla and process-serving peons, who are said to be in the habit of exacting fees for their own benefit from both applicants and those on whom notices are served.

"The Board warn Collectors and officers in charge of registration duties that they will be held personally responsible that abuses of this sort are summarily checked. The widest possible publicity should be given to the fact that fees are in such cases not required, and that complaints of their exaction will be received and attended to.

"Registering officers are also directed to inquire, from parties appearing before them, whether such fees or any other unauthorized demands have been made upon them, and to take action accordingly."—(Board's C. O. No. 5 of April 1877.)

Irregularity in publication or service of notice not to affect validity of proceedings.

51. No irregularity or omission in the publication or service of notice as required by the three last preceding sections shall affect the validity of any proceedings under this Act, unless it is proved to the satisfaction of the Collector that some material injury was caused by such irregularity or omission.

Inquiry by Collector.

52. On the day fixed in the notice issued under section forty-eight, or as soon thereafter as possible, the Collector shall consider any objections which may be advanced, and make such further inquiry as appears necessary to ascertain the truth of the alleged possession of, succession to, or transfer of the estate, revenue-free property, or interest therein, in respect of which registration is applied for; and if it appears to the Collector that the possession exists,

or that the succession or transfer has taken place, and that the applicant has acquired possession in accordance with such succession or transfer,

but not otherwise,

the Collector shall order the name of the applicant to be registered in the proper Registers as proprietor or manager of the said estate, revenue-free property, or interest therein.

Provided that any person to whom any proprietary right in an estate has been mortgaged, may be registered as mortgagee, whether he be in actual possession or otherwise.

Note 1.—A was proprietor of an estate in constructive possession through his mortgagee (zur-i-peshgidar) B up to 1876. C applied to have his name registered as proprietor on the ground that he purchased the proprietary right from A in 1876. He filed a registered deed of sale and certain papers, which from their nature were originally in the possession of A, but which he said were made over to him (C) by A when he purchased the estate as might have been expected. A denied the sale and execution of the deed, and accounted for the papers being in C's possession by saying that one of the witnesses had the custody of them for him (A), and that this witness, going over to the side of C, handed

name of B's widow was ordered to be registered. The case came up before the Board on appeal.

Held—that the alleged execution of a *towliatnamah* in favour of B was not sufficient to have the widow's name registered under the Act in the place of the proprietor without sufficient evidence that the transfer under the deed had actually taken place, and that the party was in possession in accordance with such transfer.—(Board's Proceedings of 21st March 1885, No. 97, and 16th May 1885, No. 103, Collection 5, File 30.)

Note 5.—In connection with an application under section 85, the Board remarked:—

"The Board observe a growing tendency to deal with applications under the Land Registration Act as if they were regular civil cases: to record evidence (a great part of which is generally altogether irrelevant) at enormous length: to allow voluminous documents to be filed: to encourage lengthy arguments by counsel: to examine hosts of witnesses: and to allow unlimited postponements and adjournments and rehearings. It cannot be too clearly understood that a procedure of this kind, which may be perfectly suitable when a question of title is in issue in the Civil Court, is altogether out of place when an application for land registration is made to the revenue authorities."—(Board's Proceedings of 16th May 1885, No. 213, Collection 7, File 33.)

Note 6.—A, the registered proprietor of an estate, having died, B put in a claim for registration in A's place. B adduced *primâ facie* evidence of succession and possession; no opposition was made, and the Collector ordered that B's name should be registered. Subsequently a petition was put in by C, alleging that the notice had not been properly served, and that, if he had known of the application, he would have opposed it.

As the registration had actually been made, it was not the business of the Collector to go into the question of the service of notice. It is not his province to determine questions of right and title. He had the name of B on his books, and for the purposes of the Registration Act this was quite sufficient. If C desires to challenge B's title, he must do so in the Civil Court.—(Board's Proceedings of 1st August 1885, No. 244, Collection 7, File 15.)

Note 7.—"An opinion expressed by the Board in their executive capacity does not in any way bind the Collector in his determination of the questions before him."—(Board's Proceedings of 16th November 1888, No. 97, Collection 8, File 208.)

Note 8.—"The Civil Courts have no jurisdiction to make a decree reversing an order for the registration of the name of any person made by a registering officer under Bengal Act VII of 1876. All that the Civil Courts can do is to declare the title of an individual, or to give him a decree for possession, and then the registration officers would, as a matter of course, proceed to amend their registers in accordance with the rights of the parties as settled by the Civil Courts.—An order made under section 55 of Bengal Act VII of 1876 prevents the person against whom it is made from relying on his previous possession in a subsequently instituted suit for confirmation of possession. An order made under section 52 of the same Act has not that effect."—(I. L. R. 10. Cal. 350.)

Power to summon witnesses and compel production of documents.

53. For the purpose of the inquiry mentioned in the last preceding section, and of every inquiry held under this Act, the Collector may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Note 1.—The depositions of witnesses are to be taken as directed in the Code of Civil Procedure by the presiding officer, and not by the amla of the Court.—(Board's Proceedings of 24th March 1877, No. 119.)

Note 2.—Government have considered it inexpedient that any criminal prosecution should be instituted in land registration cases except as an extreme measure.—(Board's Proceedings of 29th July 1882, No. 247, Collection 6, File 149.)

Note 3.—This section does not authorize the Collector to enforce the attendance of an applicant or his agent, if necessary, or to compel them to produce evidence.

Note 4.—Chapter XIV of the Code of Civil Procedure (Act XIV of 1882), viz., *of the Summoning and Attendance of Witnesses*, is here inserted at length for facility of reference.

159. The parties may, after the summons has been delivered* or sent* for service on the defendant, whether it be for the settlement of issues only, or for the final disposal of the suit, obtain, on application to the Court or to such officer as it appoints in this behalf, before the day fixed for such settlement or disposal, as the case may be, summons to persons whose attendance is required either to give evidence or to produce documents.

Summons to attend to give evidence or produce documents.

160. The party applying for a summons shall, before the summons is granted and within a period to be fixed by the Court, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

Expenses of witnesses to be paid into Court on applying for summons.

If the Court be subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) laid down by competent authority.

Scale of expenses.

161. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally.

Tender of expenses to witness.

162. If it appear to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account, and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons, or the Court may discharge the person summoned without requiring him to give evidence, or may both order such levy and discharge such person as aforesaid.

Procedure where insufficient sum paid in.

If it be necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of the party at whose instance he was summoned; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Expenses if witness detained more than one day.

163. Every summons for the attendance of a person to give evidence or produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document which the person summoned is called on to produce shall be described in the summons with reasonable accuracy.

Time, place, and purpose of attendance to be specified in summons.

164. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced instead of attending personally to produce the same.

Summons to produce document.

* These words in section 159 have been inserted by Act VII of 1888, section 15.

Power to require persons present in Court to give evidence.

165. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his actual possession or power.

Summons how served.

166. Every summons to a person to give evidence or produce a document shall be served as nearly as may be in manner hereinbefore prescribed for the service of summons on the defendant; and the rules contained in Chapter VI as to proof of service shall apply in the case of all summonses served under this section.

Time for serving summons.

167. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Attachment of property of absconding witness.

168. If the serving officer certify to the Court that the summons for the attendance of a person, either to give evidence or to produce a document, cannot be served, the Court* shall if the certificate of the serving-officer has not been verified by affidavit, and may, if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court* touching the non-service: and upon being satisfied that such evidence or production is material, and that the person for whose attendance the summons has been issued is absconding or keeping out of the way for the purpose of avoiding the service of the summons, may issue a proclamation requiring him to attend to give evidence, or produce the document, at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door of the house in which he ordinarily resides.

If he does not attend at the time and place named in such proclamation, the Court may in its discretion, at the instance of the party on whose application the summons was issued, make an order for the attachment of the property of the person whose attendance is required, to such amount as the Court thinks fit, not exceeding the amount of the costs of attachment, and of the fine which may be imposed under section 170:

Provided that no Court of Small Causes shall make an order for the attachment of immovable property.

If witness appears attachment may be withdrawn.

169. If, on the attachment of his property, such person appears and satisfies the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

Procedure if witness fails to appear.

170. If such person does not appear, or appearing, fails to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may impose upon him such fine not exceeding five hundred rupees as the Court thinks fit, having regard to his condition in life and all the circumstances of the case, and may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

Court may of its own accord summon as witnesses strangers to suit.

171. Subject to the rules of this Code as to attendance and appearance, and to the provisions of the Indian Evidence Act, I of 1872, if the Court at any time thinks it necessary to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to

* These words in section 168 have been substituted by Act VII of 1888, section 16.

produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

172. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit must attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document must either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

173. No person so summoned and attending shall depart unless and until (*a*) he has been examined or has produced the document and the Court has risen, or (*b*) he has obtained the Court's leave to depart.

Consequences of failure to comply with summons.

174. If any person on whom a summons to give evidence or produce a document has been served fails to comply with the summons, or if any person so summoned and attending departs in contravention of section 173, the Court may order him to be arrested and brought before the Court. Provided that no such order shall be made when the Court has reason to believe that the person so failing had a lawful excuse for such failure. When any person so brought before the Court fails to satisfy it that he had a lawful excuse for not complying with the summons, the Court may sentence him to fine not exceeding five hundred rupees.

Explanation.—Non-payment or non-tender of a sum sufficient to defray the expenses mentioned in section 160 shall be deemed a lawful excuse within the meaning of this section.

Procedure when witness apprehended cannot give evidence or produce documents.

If any person so apprehended and brought before the Court cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and on such bail or security being given, may release him.

Procedure when witness absconds.

175. If any person so failing to comply with a summons absconds or keeps out of the way, so that he cannot be apprehended and brought before the Court, the provisions of sections 168, 169, and 170 shall, *mutatis mutandis*, apply.

Persons bound to attend in person.

176. No one shall be bound to attend in person to give evidence or to be examined in Court unless he resides—

(*a*) Within the local limits of its ordinary original jurisdiction, or

(*b*) Without such limits and at a place less than fifty or (where there is railway communication for five-sixths of the distance between the place where he resides and the place where the Court is situate) two hundred miles distance from the Court-house.

Consequence of refusal of party to give evidence when called on by Court.

177. If any party to a suit present in Court refuses without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his actual possession or power, the Court may in its discretion either pass a decree against him, or make such order in relation to the suit as the Court thinks fit.

Rules as to witnesses to apply to parties summoned.

178. Whenever any party to a suit is required to give evidence or to produce a document, the rules as to witnesses contained in this Code shall apply to him so far as they are applicable.

Payment of costs.

54. All costs of any inquiry or proceeding held before the Collector under this Act shall, except as provided in section fifty, be payable by the parties concerned, and the Collector may pass such orders as he shall think fit in respect of the payment of such costs.

Note.—Section 82 of the Act provides for the recovery of costs due to Government. Section 54 provides for Collectors awarding costs between parties; but this section does not say how the parties are to recover costs so awarded. The Legal Remembrancer, who was consulted on the subject, gave it as his opinion

that section 82 was meant to provide for the realization of costs ordered to be paid under section 54. He observed that "the intention probably was that all costs ordered to be paid should be paid to the Collector in the first instance, and be afterwards made over by him to the person he held entitled"—(Board's Proceedings of 26th February 1881, No. 44, Collection 6, File 278.)

Dispute as to possession, succession, or acquisition by transfer.

55. *If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered, is disputed by or on behalf of any person making a conflicting claim in respect thereof, and if it is not proved to the satisfaction of the Collector that any person is in possession of the interest in dispute, the Collector shall determine summarily the right to possession of the same, and shall deliver possession accordingly, and shall make the necessary entry in the registers,

*See sec. 1 of Act V (B.C.) of 1878.

or if, in the opinion of the Collector, the dispute be one which can more properly be determined by a Civil Court, the Collector shall refer the matter in dispute to the principal Civil Court of the district for determination as hereinafter provided.

Provided that if the applicant's possession of any extent of interest in accordance with his application be not disputed, or if such possession be proved to the satisfaction of the Collector, the Collector may register the said applicant's name in respect of such extent of interest, and may at the same time make a reference as hereinafter provided to the Civil Court for determination of any dispute as to any further extent of interest in respect of which the applicant has applied to be registered, but in respect of which the right of the applicant to be registered is disputed, and is not proved to the satisfaction of the Collector.

Note 1.—A died leaving two wives, B and C. Before his death he executed an *anumatipatra* (deed of permission to adopt) to each of the said widows. D was adopted by one of the widows. D's name was registered as proprietor with his adoptive mother's name as his guardian and manager. Subsequently D died, and his adoptive mother applied to the Collector to have her name registered as proprietress, *i.e.*, as sole heir of her adopted son in whom the property vested. The other widow objected to the co-widow's name being registered as proprietress. The Collector referred the case to the Civil Court. The case also came up before the Board on appeal. *Held* that, when a case had been referred to the Civil Court and issues framed, there was no reason why the Board should interfere to set aside the order of reference, and it was not clear that the Board had power to do so.—(Board's Proceedings of 12th February 1887, No. 206, Collection 9, File 2.)

Note 2.—On an application to the Board under section 85 to revise an order passed by the Commissioner of—on the 26th July 1886, directing that certain land registration cases in the district of—should be referred to the Civil Court for determination under section 55, the Board observed that the points to which a Collector has to look in a case of this kind are the following—(1) the present state of his registers, (2) the nature of the claim to succession, (3) the evidence of possession by the claimant. But he need not look into the evidence of possession until a *primâ facie* claim is made out on the other points.—(Board's order No. 61A, dated 2nd March 1887, Collection 1, File 15.)

Note 3.—Registration of land under Bengal Act VII of 1876 is not only not conclusive proof, but no evidence at all upon the question of title of a proprietor so registered. Such registration does not relieve a plaintiff from the *onus* of proving his title to land claimed by him.

Quære,—Whether in a suit founded upon possession alone, or in which the relief sought depends solely upon possession, such registration ought not to be

treated as *primâ facie* evidence of actual possession at the date when the registration was effected ? (I. L. R. 8 Calc. 853.)

Note 4.—Entries made under Bengal Act VII of 1876 by the Collector recording the names of proprietors of revenue-paying estates are not evidence under section 35 of the Evidence Act of the fact of proprietorship. That section relates to the class of cases where a public officer has to enter in a register or other book some actual fact which is known to him, *e.g.*, the fact of a death or a marriage. The entry by the Collector in the register under Bengal Act VII of 1876 is not properly speaking the entry of a fact. It is a statement that the person is entitled to the property: it is the record of a right, not of a fact.

Per Garth, C. J.—*Semble*, that section 55 of Bengal Act VII of 1876 constitutes the Collector a competent court under particular circumstances for determining as between two disputants the question of possession, and his recorded decision upon that question in the register might be evidence of the fact of possession as between those two parties.—(I. L. R. 9 Calc. 431.)

Note 5.—Where a person who, by an order of the Collector passed under the provisions of the Land Registration Act, has been declared to be out of possession of certain land brings a suit for the recovery of possession, it lies on him in the first instance to make out a *primâ facie* case.—(I. L. R. 8 Calc. 923.)

Note 6.—See note 8 to Section 52.

In cases of disputed possession, &c., Collector may appoint receiver.

56. In any case of disputed possession of, succession to, or acquisition by transfer of, the extent of any interest in respect of which application is made under the last preceding section, the Collector may appoint a receiver to collect the rents of the extent of interest in dispute, and from the sums so collected shall be paid the expenses of management and the revenue due to the Government; and the surplus shall be held in deposit in the Collector's treasury, and shall be paid over to the person who shall be registered by the Collector, or under the order of a Civil Court, in respect of the extent of interest in dispute.

Effect of Collector's order.

57. Every order of a Collector passed under the first clause of section fifty-five shall be of the same force and effect as an order passed by the Judge under section 4 of Act XIX of 1841 (*an Act for the protection of moveable and immoveable property against wrongful possession in cases of succession*), determining summarily the right to possession and delivering possession accordingly;

and no proceedings shall be taken by any Civil Court under the said Act in respect of any claim or dispute which has been determined by an order of the Collector as aforesaid.

Procedure on making a reference under section 55.

58. In making a reference to the Civil Court under section fifty-five, the Collector shall state for the information of the said Court in writing under his hand

(1) the name of the estate or revenue-free property to which the reference applies, together with the numbers which it bears on the General Register and (if an estate) on the revenue-roll of the district;

(2) the names of all the persons who now stand registered on the General Register as proprietors, managers, or mortgagees of such estate or property, with the character and extent of the interest in respect of which each stands registered;

(3) the name of the applicant for registry;
(4) the character and extent of the interest in dispute;
(5) the circumstances of the case as far as they are before the Collector, and the reasons which have led him to make the reference.

Procedure on receipt of reference.

59. On receipt of such reference the said principal Civil Court of the district may either proceed to determine the matter, or may transfer the matter for determination to any other competent Civil Court in the district. The said principal Civil Court, or the Court to which the matter is transferred, shall cite the parties concerned, and give notice of the time at which the matter will be heard; and after expiration of the time so fixed, shall determine summarily the right to possession in respect of the interest in dispute (subject to regular suit), and shall deliver possession accordingly.

Note.—The effect of an order under section 59 of the Land Registration Act being to "settle the actual possession" [under section 62], the person against whom such an order is made is precluded by section 42 of the Specific Relief Act from bringing a suit merely for a declaration of his title without seeking to recover possession also.—(12 Calc. L. R. 139.)

Judge may appoint curator.

60. If it shall appear to the Judge of the Court by which the matter is heard that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, such Judge may appoint curators for the care of the property, and may exercise all or any of the powers mentioned in sections 5 to 13 (both inclusive) of Act XIX of 1841.

Costs.

61. The said Court may make such order as it shall think fit with regard to the payment by the parties of the cost of the inquiry and proceedings.

Provided that no costs shall be recoverable from the parties on account of the issue of notices citing the parties and fixing a date for the first hearing of the case.

Summary decision of Court to be final.

62. The summary decision of the Court under section fifty-nine shall have no other effect than that of settling the actual possession, but for this purpose it shall be final, not subject to any appeal or order for review.

Court to certify its determination to Collector.

63. The Court shall certify to the Collector its determination as to the right of possession, and the Collector shall thereupon make the necessary entries in the proper Registers.

Collector to levy fees on transfers.

64. Fees at the following rates shall be levied by the Collector on the registry under this Act of any transfer—

(1) in the case of revenue-paying lands, one quarter or four annas per centum on the annual revenue payable to Government from the extent of interest transferred;
(2) in the case of revenue-free lands, two and a half per centum on the amount of the annual produce of the extent

of interest transferred, such annual produce being the amount of the rents received and receivable on account of the year preceding the year in which the transfer may be registered;

provided that no fee for the registry of any one transfer shall exceed one hundred rupees.

Such fees shall be levied from the person in whose favour the transfer is registered.

All fees levied under this section shall be carried to the account of Government.

Note 1.—The Commissioner of——asked for instructions how the fee under this section was to be levied for registration of the transfer of a fee simple waste land lot where no rents were received or receivable. The Legal Remembrancer, who was consulted, was of opinion that no fee could legally be demanded in such a case. (Board's Proceedings of 4th June 1881, No. 235, Collection 4, File 315)

Note 2.—"Government * * * adopted the opinion given by the Advocate-General that the word 'transfer' as used in section 64 of the Land Registration Act, VII (B.C.) of 1876, means 'the mutation of one name for another,' and that it includes transfers following upon succession, as well as those following on the transfer of property *inter vivos*." (Board's C. O. No. 2 of March 1884.)

Note 3.—A question having been raised whether the name of a proprietor whose estate had been released from the Court of Wards could be registered in the place of the manager's name without payment of the usual fees, it was ruled by the Board in 1879 that there was no reason for remitting the fees. The law recognizes the duty of registering the name of the manager under the Court of Wards, and when a change takes place it is for the new proprietor to register his name and to have the manager's name removed. This ruling was in accordance with a strict interpretation of the provisions of the law, and when the question was again raised in 1884 the Legal Remembrancer gave it as his opinion that the fees ought to be paid. (Board's Proceedings of 13th December 1884, No. 169, Collection 8, File 214.)

Penalty for omitting to comply with provisions of Act.

65. Whoever, being required by this Act to apply for the registration of his name and the extent of his interest in any estate or revenue-free property, voluntarily or negligently omits to make such application within the prescribed time, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees for such omission, and to such further daily fine as the Collector may think fit to impose, not exceeding fifty rupees, for each day during which such person shall omit to apply for such registration after a date to be fixed by the Collector in a notice requiring such person to apply for registration.

Such notice shall be served in the manner prescribed in section fifty, and the date before which such person is required to apply for registration shall not be less than one month after service of such notice.

Note 1.—The penal provisions of this section must, from the nature of the case, be in many cases ineffectual, because the fine must be imposed on some person by name, and to ascertain the name is often the precise difficulty. The Collector may in one way or another hear of the demise of property, but it does not follow that he will be accurately informed of the person or persons to

whom the property has been demised. (Paragraph 30 of Board's No. 228A, dated 15th March 1884.)

Note 2.—A question having arisen whether a Collector can remit fines imposed by himself under this section, it was ruled that there is no objection to the Collector's *remitting* fines which he has imposed, or was competent to impose, under the said section, and which have not been levied; but this permission does not extend to fines which require the sanction of the Commissioner under section 66 to their levy, nor does it authorize the refunding of fines already levied. (Board's Proceedings of 19th November 1887, No. 21, Collection 5, File 133.)

Fine may be levied notwithstanding appeal.

66. The Collector may proceed from time to time to levy any amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending.

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

Note—See note 2 to section 65.

No penalty on person who applies *suo motu*.

67. Notwithstanding anything contained in section sixty-five no fine shall be imposed by the Collector under the said section on any person on the ground that such person has failed to make application for registration of his name within the time fixed by the Lieutenant-Governor under section thirty-nine or forty,

or on the ground that such person has failed to apply for registration of his name within the time prescribed by section forty-two,

if such person shall, at any time after the expiration of the time fixed or prescribed as aforesaid, of his own motion, and otherwise than after the issue of a requisition by the Collector in that behalf, present such application as is required by this Act for the registration of his name, and of the character and extent of his interest.

Note.—Under this section no person is to be fined who *at any time* applies for registration *suo motu*. (Paragraph 30 of Board's No. 228A, dated 15th March 1884.)

Liabilities of proprietors and managers.

68. Save as is provided in section* 90 of the Code of Criminal Procedure, all the recorded proprietors and managers of an estate or revenue-free property shall be deemed to be jointly and severally liable for the discharge of any duties and obligations which are by any law for the time being in force imposed upon the proprietors of such estate or property;

and all persons who are required by this Act to apply for registration shall, from the date on which the obligation so to register is imposed on them respectively by this Act, be deemed to be liable for the discharge of any duties and obligations which are by any such law as aforesaid imposed upon the proprietors of the estate or property in respect of which they are required to apply for registration respectively.

* This was section 90 of Act X of 1872. The corresponding section now is 45 of Act X of 1882.

PART V.

Of the Opening of Separate Accounts in respect of Shares.

No separate account to be opened otherwise than in accordance with registered interest.

69. Notwithstanding anything contained in Act XI of 1859 (*an Act to improve the law relating to sales of land, &c.*), from the commencement of this Act no separate account shall be opened under the provisions of section 10 or of section 11 of the said Act in respect of the share of any applicant under the said sections otherwise than for a share corresponding with the character and extent of interest in the estate in respect of which such applicant is recorded as proprietor or manager under this Act.

Note.—The proprietors of an estate whose names have been separately registered under this Act can apply jointly to open a separate account under section 10 of Act XI of 1859 in respect of the joint share in the estate, provided the aggregate share for which the account is to be opened corresponds with the totals of the undivided interests as registered. (Board's Proceedings of 15th January 1881, No. 255, Collection 5, File 287.)

Proprietor holding undivided interest in specific lands may apply for separate account.

70. When a proprietor of a joint estate, who is recorded as proprietor of an undivided interest held in common tenancy in any specific portion of the land of the estate, but not extending over the whole estate, desires to pay separately the share of the Government revenue which is due in respect of such interest, he may submit to the Collector a written application to that effect. The application must contain a specification of the land in which he holds such undivided interest, and of the boundaries and extent thereof, together with a statement of the amount of Government revenue heretofore paid on account of such undivided interest. On the receipt of this application the Collector shall cause it to be published in the manner prescribed for publication of notice in section 10 of Act XI of 1859.

In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it.

The date on which the Collector records his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share of the applicant commence.

Note 1.—The law does not provide for the levy of fees on applications for opening separate accounts under this section, and therefore they should not be levied. (Board's Proceedings of 29th April 1882, No. 219, Collection 1, File 356.)

Note 2.—It is a question whether the provisions of Act III (B.C.) of 1862 and the scale of fees therein laid down should not apply to the opening of separate accounts under this section. (Board's memorandum of 27th November 1884.)

Note 3.—On an application from the shareholders of a certain property in the Darjeeling Terai under this section, it appeared that the shareholders, though holding an undivided interest in a specific portion of the estate, did not hold it in common tenancy. As their shares in the estate consisted of specific portions of it, belonging entirely to them, the cases, it was ruled, fell under section 11 of

Act XI of 1859, and the opening of separate accounts under that section was allowed to all who might apply for it, and to whom that section applied.

In the course of the correspondence the provisions of this section, 70, were fully examined, and the Board wrote as follows:—"The opening of a separate account for a share of a joint estate which is held in common tenancy, and which extends over the whole estate (as, for instance, for a four annas interest in the whole estate), is regulated by section 10, Act XI of 1859.

"Similarly, the opening of a separate account for a share which consists of a specific portion of the land of the estate, when that specific portion of land belongs entirely to the applicant (as when the applicant has purchased from the original proprietors the proprietary right in village A only out of several which constitute the estate, or in a specific area of 100 bighas), is regulated by section 11 of the same Act.

"Neither of these cases falls under section 70 of the Land Registration Act of 1876. That section was passed expressly to supplement the deficiency in the above-mentioned sections of Act XI of 1859, which fail to provide for the opening of separate accounts in the composite class of cases in which the applicant neither has a joint undivided interest extending over the whole estate, nor the entire estate in any specific lands, but in which he has a joint undivided interest with others in certain specific lands only out of the whole estate; for instance, where the applicant has purchased an eight annas undivided share in mouzah A only out of several mouzahs comprised in the estate, or an eight annas undivided share only in a specific area of 100 bighas.

"Section 70 of the Land Registration Act of 1876 cannot be applied to any but the composite cases described."—(Board's Proceedings of 25th March 1882, No. 246, Collection 9, File 350.)

Sections 12, 13, and 14 of Act XI of 1859 applicable.

71. Section 12 of the said Act XI of 1859 shall apply to every application made under the last preceding section; and the effect and consequences of opening a separate account under the last preceding section shall be such and the same as are described in section 13 and in section 14 of Act XI of 1859.

Application to close a separate account.

72. Whenever any share in respect of which a separate account has been opened by the Collector under section 10 or section 11 of the said Act XI of 1859, or under section seventy, shall no longer correspond with the character and extent of interest held in the estate by any one proprietor or manager, or jointly by two or more proprietors or managers, any proprietor or manager whose name is borne on the General Register under this Act as proprietor or manager of any interest in the share in respect of which such separate account is open, may submit to the Collector a written application setting out the circumstances under which such share no longer corresponds with the extent of interest held in the estate by any recorded proprietor or manager, or jointly by two or more recorded proprietors or managers, and specifying the manner in which such share has become broken up and distributed among the proprietors of the estate, and praying that the separate account standing open in respect of such share shall be closed, and, if he so desire, praying that another separate account be opened in respect of any other share or shares which were wholly or partly included in the share in respect of which the previous separate account was open.

Illustration.

In a certain estate separate accounts have been opened under section 10 of Act XI of 1859 for the 4 annas share of A, and also for the 5 annas share of B,

the accounts of the remaining 7 annas share being kept jointly in the names of the remaining proprietors C, D, and E.

In course of time X has inherited A's 4 annas share, and also C's interest in the 7 annas share, which amounted to 3 annas; X has also acquired by purchase 2 annas out of B's 5 annas share, so that the interests in the estate are now distributed as follows:—

X	...	...	...	9 annas.
B	...	...	...	3 ,,
D and E	...	...	...	4 ,,

X, if a recorded proprietor of the estate, may apply to the Collector to close the separate account which is open in respect of A's 4 annas share, and also the separate account which is open in respect of B's 5 annas share, as neither of these shares corresponds with the extent of interest held by any one proprietor, or held jointly by two or more proprietors in the estate;

and in the same application X may apply for the opening of a separate account in respect of the 9 annas share which he now holds.

Any of the other proprietors might also make a similar application.

Note.—Under this section a Collector is empowered to close a separate account on application made to him to that effect by one, or more, recorded proprietors. There is, however, no provision in the law authorizing a Collector to close separate accounts on his own motion. (Board's Proceedings of 4th June 1881, No. 187, Collection 2, File 202).

Separate account may be closed and another opened.

73. On receipt of such application the Collector shall cause a copy of the same to be published in the manner provided in section 10 of Act XI of 1859; and if within six weeks from the date of such publication no objection is made by any other recorded proprietor of the estate, the Collector shall close the separate account which then stands open, and shall open a separate account with the applicant as required by him, under section 10, or section 11 of Act XI of 1859, or under section seventy, as the case may be.

Procedure in case of objection.

74. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the share in respect of which any separate account is open as aforesaid has not been broken up, and does still correspond with the character and extent of interest held by any one proprietor or manager, or jointly by two or more proprietors or managers,

or object that the applicant has no right to the share claimed by him, or that his interest in the estate is less or other than that claimed by him;

or (when the application is in respect of a specific portion of the land of an estate, or in respect of an undivided interest held in common tenancy in any specific portion of the land of the estate,) object that the amount of Government revenue stated by the applicant to have been heretofore paid on account of such portion of land, or on account of the applicant's undivided interest therein, is not the amount which has been recognized by the other sharers as the Government revenue thereof,

the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

THE following should be inserted as a *note* under section 72, page 34 of the Land Registration Manual, 1889:—

NOTE.—No fees are leviable (except the court-fee required on the petition) for the closing of an account under sections 72 and 73, nor for the opening, under those same sections, of a new separate account under section 70 of the Act. But if a separate account is opened, under sections 72 and 73, of the nature referred to in sections 10 and 11 of Act XI of 1859, fees are leviable by virtue of Act III (B.C.) of 1862 (according to the scale therein provided) on the annual jama of the share in respect of which the separate account is to be opened. The fees so payable are in addition to those leviable on transfer of ownership under section 64 of Act VII (B.C.) of 1876.

Illustration.

Suppose A has, in an estate, a 3-annas share, in respect of which he has opened a separate account under section 10 of Act XI of 1859, and that he subsequently purchases another 2-annas share of the same estate from B, the proprietor of the remaining 13 annas. He registers the transfer of the 2-annas share, and, at the time of registration, pays fees on the scale laid down in section 64 of Act VII (B.C.) of 1876. Now section 72 authorises either A or B to apply (1) that the separate account previously opened by A may be closed; and (2), if he so desire it, that a new separate account may be opened in respect of the 5-annas share now held by A. If the application is confined to the former of the two prayers, it is liable to no fee but a court-fee, and, on its being granted, A and B will be jointly liable for the revenue of the entire estate. If the latter prayer is added, the fee payable in addition will be that laid down under Act III (B.C.) of 1862 for the opening of a separate account for a 5-annas share,—the extent of the interest now held by A. This 5-annas share is, to quote the words of section 72, "another share which was partly included in the (three annas) share in respect of which the previous separate account was open." 7-6-1902.

"Collectors are, however, at liberty to bring to the notice of Commissioners any irregularity in any account which has been opened, with a view to revision under section 85." 8-7-92.

PART VI.

MISCELLANEOUS.

Collector must furnish extract from Register.

75. The Collector shall supply an extract from any Register mentioned in this Act to any person who may apply for the same, subject to the payment of such fees for searching and copying as may be prescribed by the Board.

Collector must furnish translation of extract.

76. If in any district any Register prescribed by this Act has not been prepared and kept up in the vernacular language and character of the district, the Collector shall be bound, together with any English extract which may be furnished under the last preceding section, to furnish a translation of the same in the vernacular language and written in the vernacular character of such district to any one who may demand such translation, and no further charge shall be made in respect of the furnishing of such translation than might have been charged in respect of the English extract furnished under the said section.

Changes in names of proprietors, &c., and extent of interest to be notified on estate.

77. Whenever any change shall be made by order of competent authority in the names of the recorded proprietors or managers of any estate or revenue-free property, or in the character or extent of the interest of any such proprietor or manager as entered in any register mentioned in this Act, so soon as the order under which such change in the entry may have been made shall have been confirmed on appeal, or so soon as the period for presenting an appeal against such order shall have expired without the presentation of an appeal, the Collector shall cause a notice of such change to be posted up at his office, at the office of every sub-divisional officer within whose jurisdiction any lands of the estate or revenue-free property concerned are situated, and at such places as he may think fit on the estate or property; and every such notice shall set out the name of every proprietor and manager of the estate or revenue-free property concerned, and the character and extent of the interest of every such proprietor and manager as it stands recorded on the General Register on the date of the issue of the notice.

Note 1.—The object of the issue of notice under this section is to give security to the rent-payers in taking advantage of section 78. For this purpose the issue of the notice is as necessary in respect of changes made on applications under section 38 as of those under section 42—(Board's Proceedings of 13th April 1878, No. 221, Collection 1, File 250).

Note 2.—"The primary object of the notice is the information of the tenantry, that they may know what changes have been effected in the Collector's registers." (Paragraph 9 of Board's No. 228A, dated 15th March 1884).

No person bound to pay rent in excess of recorded interest of claimant.

78. No person shall be bound to pay rent to any person claiming such rent as proprietor, or manager, of an estate or revenue-free property in respect of which he is required by this Act to cause his name to be

registered, or as mortgagee, unless the name of such claimant shall have been registered under this Act;

and no person being liable to pay rent to two or more such proprietors, managers, or mortgagees holding in common tenancy, shall be bound to pay to any one such proprietor, manager, or mortgagee more than the amount which bears the same proportion to the whole of such rent as the extent of the interest in respect of which such proprietor, manager, or mortgagee is registered bears to the entire estate or revenue-free property.

Note.—The mere fact of a person being registered under the provisions of Bengal Act VII of 1876 as proprietor of the land in respect of which he seeks to recover rent is not sufficient to entitle him to sue for it.

Where a landlord, who was registered as owner of the land in respect of which he claimed rent, sued the occupier for such rent, but was only able to prove the fact that he was the registered owner, and was unable to show that the relationship of landlord and tenant existed, or that he had a good title to the estate of which he was the registered owner:

Held, that the suit was rightly dismissed. Per Garth, C. J.:—"It is true that the owner of the estate cannot sue for rent, *unless* he is registered; but it by no means follows that one who is not the true owner, can sue because he is registered." (I. L. R. Calc. 517).

Indemnity to persons paying rent to registered proprietor, manager, or mortgagee.

79. The receipt of any proprietor, manager, or mortgagee, whose name and the extent of whose interest is registered under this Act, shall afford full indemnity to any person paying rent to such proprietor, manager, or mortgagee.

Collector may pay certain sums due to recorded proprietors in accordance with registered interests of each.

80. Whenever any sum of money shall be payable by the Collector to the proprietors of any estate or revenue-free property jointly (otherwise than under the Land Acquisition Act, 1870), the Collector may pay to any one or more recorded proprietors or managers thereof respectively such portion of the said sum as may be proportionate to the extent of the interest in respect of which each such proprietor or manager is registered, and the receipt of each such proprietor or manager shall afford full indemnity to the Collector in respect of any sum so paid.

Saving of written contracts and recovery from person receiving money.

81. Nothing contained in the three last preceding sections shall be held to interfere with the conditions of any written contract, or to prevent any person deeming himself entitled to any sum of money from recovering such sum by due process of law from any other person who has received the same.

Every amount due deemed to be a demand under Bengal Act VII of 1868.

82. Every amount which may become due to the Collector under the provisions of this Act in respect of any expenses incurred, of any fees payable, of any notices served, of any costs payable by any party, or of any fines imposed, shall be deemed to be a demand *under section 1 of Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*), and shall be leviable as such.

* Repealed from this word to end of this section. See the first Schedule of Act VII (B.C.) of 1880, and section 7(3 of that Act.

Collector may require proprietor to name estate.

83. The Collector may by a notice require the proprietor or manager of any estate or revenue-free property to name such estate or property by a distinctive name, and in case of failure of such proprietor or manager to comply with the requisition within the time fixed by the Collector, may name such estate or property.

Collector may delegate duties.

84. The Collector may, by a special or a general order, delegate to any Assistant Collector, Deputy Collector or Sub-Deputy Collector, the performance of any duty, and the exercise of any function, which the Collector is required or empowered to perform or exercise under this Act, except in respect of appeals;

And any Assistant, Deputy, or Sub-Deputy Collector to whom any duty or function is so delegated may exercise all the powers of a Collector under this Act, except in respect of appeals.

Appeal.

85. Every order passed under this Act by any revenue officer below the rank of the Collector of the district (not being an officer specially vested with appellate powers as hereinafter mentioned) shall be appealable to the Collector of the district, or to any officer who may have been specially vested by the Government with special appellate powers in this behalf,

and there shall be no further appeal from any order so passed in appeal confirming the order appealed against,

but an appeal shall lie to the Commissioner of the Division against every order so passed in appeal which modifies or reverses the order appealed against.

Every order passed by the Collector of the district, or by any officer specially vested with appellate powers as aforesaid, being passed otherwise than on appeal from the order of another officer, shall be appealable to the Commissioner of the Division.

Every appeal to the Collector shall be presented within fifteen days of the date of the order appealed against;

and every appeal to the Commissioner shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the order appealed against;

and every appeal presented after the lapse of the time fixed by this section may be summarily rejected, unless sufficient cause shall be shown to the satisfaction of the appellate authority for admitting the appeal after the lapse of such time.

Every order passed by any officer subordinate to a Commissioner shall be subject at any time to revision and modification by such Commissioner;

and every order passed by any such officer or by such Commissioner shall be subject at any time to revision and modification by the Board.

Note 1.—A Collector may review an order for registration granted under the Act, if desirable, in order, for instance, to correct details required to be registered if the application was unopposed. But in cases in which objections have been made, the revision should be left to the Commissioner for disposal under the penultimate clause of this section.—(Board's Proceedings of 1st December 1877, No. 160.)

Note 2.—There is nothing in the Act to prevent a Commissioner from reviewing or revising an order.—(Board's Proceedings of 20th July 1878, No. 233, Collection 9, File 102.)

Note 3.—In the case of a petition praying for the rehearing of an appeal (which had been disposed of on its merits, and not in default of the appearance of the petitioner's agent) the Board held—"It is not the practice of the Board to hear counsel or pleaders on applications for the exercise of their power of revising orders under the Land Registration Act, unless the petition and the decision petitioned against show some point on which argument appears to be necessary."—(Board's Proceedings of 4th January 1879, No. 53, Collection 2, File 129.)

Note 4.—A reference having been made by a Commissioner on a legal point in a case which was then pending before him,—the point being, whether a Commissioner has power to review an order passed by him under this Act,—the Board held that the Commissioner should act on his own view of the law in the first place, leaving any one dissatisfied to apply to the Board for revision under this section.—(Board's Proceedings of 14th February 1885, No. 196, Collection 7, File 4.)

Note 5.—A Commissioner has full power to re-open the question of the correctness of an entry made in a register about 10 years before.—(Board's Proceedigs of 21st December 1887, No. 101A, Collection 7, File 5.)

Exclusion of time in case of appeals.

86. In computing the period of limitation prescribed for an appeal the day on which the order complained of was made, and the time requisite for obtaining a copy of the same, shall be excluded.

Lieutenant-Governor may vest officer with special appellate powers.

87. The Lieutenant-Governor may from time to time vest any officer other than the Collector of the district with special appellate powers under this Act; and every officer so vested shall be competent to hear and decide any appeal which the Collector of the district is competent to hear and decide under this Act.

Board may make certain rules.

88. Within four months of the date on which this Act comes into force, the Board shall make general rules consistent with this Act to regulate—

the form in which Registers under this Act are to be kept;

the procedure as to the presentation, admission, and verification of applications for registration under Part IV, and as to inquiries under section fifty-two,

and generally for the purposes of this Act.

The Board may from time to time cancel or alter any such rules.

Saving clause.

89. Nothing contained in this Act, and nothing done in accordance with this Act, shall be deemed to

(*a*) preclude any person from bringing a regular suit for possession of, or for a declaration of right to, any immoveable property to which he may deem himself entitled;

(*b*) render the entry of any land in the Registers under this Act as revenue free an admission on the part of Government of the right of the person in whose name such land

may be entered, or an admission of the validity of the title under which the said land is held revenue-free;

(*c*) affect the rights of the Government or of any person in respect of any immoveable property or of any interest except as otherwise expressly provided herein.

Note to clause (*a*).—The Civil Court has no power to set aside an order passed under the Land Registration Act, and when a prayer for such relief is contained in a plaint which also asks for a declaration of right and title to, and confirmation of possession in, property, such prayer may be treated as mere surplusage. When, therefore, a plaint was filed containing separate prayers for the above relief, and when the original court held that the main object of the suit was to have certain orders made by the revenue authorities set aside, and that the suit was accordingly governed by Art. 14, Schedule II of the Limitation Act, and passed a decree dismissing the suit as having been brought more than a year after the date of such orders,—*Held*, that such a decree was wrong; that the suit being one simply for the declaration of the plaintiff's title in respect of the property in dispute, Article 14 had no application to the case.—(I. L. R., 10 Calc, 525.)

SCHEDULE OF REGULATIONS REPEALED.

(*See section* 2.)

Number and year.	Subject or abbreviated title.	Extent of repeal.
XIX of 1793 ...	Non-badshahi lakhiraj grants.	Sections twenty-one, twenty-two, twenty-nine to thirty-four; sections thirty-six to forty-one; so much of sections forty-two and forty-three as have not been repealed, sections forty-four to forty-six, all inclusive.
XXXVII of 1793 ...	Badshahi lakhiraj grants	Sections sixteen to eighteen, twenty-four, twenty-six to twenty-nine, thirty-one to thirty-three, thirty-five, thirty-six; so much of section thirty-seven as has not been repealed; section thirty-eight; so much of section thirty-nine as has not been repealed; sections forty to forty-one, all inclusive.
XLVIII of 1793 ...	A Regulation for forming a quinquennial register, &c.	So much as has not been repealed.
LVIII of 1795 ...	Granting to the Collectors a commission on the jumma of certain lands.	So much as has not been repealed.
XV of 1797 ...	Levying fees, &c.	The whole.
VIII of 1800 ...	Pergunnah Register ...	So much as has not been repealed, except section nineteen.

ACT V (B.C.) OF 1878.

(Received the assent of the Lieutenant-Governor on the 10th April 1878, and of the Governor-General on the 16th May 1878.)

An Act to amend Bengal Act VII of 1876.

Preamble.

WHEREAS it is expedient to amend Bengal Act VII of 1876: It is enacted as follows:—

New clause substituted in section 55 of Bengal Act VII of 1876.

1. For the first clause of section fifty-five of the said Act the following shall be substituted:—

The substituted clause has been inserted in section 55 of Act VII (B.C.) of 1876.

Commencement of Act.

2. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

RULES

MADE BY THE BOARD UNDER SECTION 88 OF THE LAND REGISTRATION ACT, 1876.

CHAPTER I.—PRELIMINARY AND EXPLANATORY.

Object.

The object of the Land Registration Act, VII (B.C.) of 1876, is not to make inquisition into titles, either in revenue-paying or revenue-free properties, but to identify all individuals on whom the legislature has imposed any duties and obligations in virtue of their being in possession of land as proprietors. Eventually the registers should account for every acre of land in the district, but this result must be gradually worked up to.

Two classes of lands registered.

2. Under this law therefore is required, primarily, the registration of all lands which fall under either of two classes, viz.—

(1) "Estates," that is, lands separately assessed with revenue to Government;

(2) "Revenue-free properties," that is, any lands included under one heading in any part of the general register of lands not subject to payment of revenue.

Registration generally compulsory under penalty.

3. Every person in possession as owner or manager of lands in these two classes, or of any share in such lands, is compelled, within a certain period and under heavy penalties, to register full particulars of the property in his possession. Registration is optional with those who, though not in possession as owners, have still a lien on the proprietary right as mortgagees.

So also in cases of transfers of possession.

4. On the first introduction of the Act a large number of owners and managers, who had been in possession unregistered for many years, had to apply for registration. When this first and immediate result, however, had been fully worked out, all transfers of possession in revenue-paying and registered revenue-free lands, whether consequent on purchase, inheritance, gift or otherwise, or on change of management, had, and have, to be registered under penalty within six months of the change in possession.

Exemption from compulsory registration.

5. Before proceeding to the consideration of the detailed procedure necessary under the law, attention is called to two general points: (1) under section 43 the Lieutenant-Governor may, in any district, exempt from compulsory registration proprietors and managers of "estates" paying less than Rs. 20 annual revenue, or of revenue-free property consisting of less than 50 acres; and (2), revenue-free lands not falling under the definition of "revenue-free property" in rule 2 of this Chapter may, by order of the Board, be formed into a separate "revenue-free property," and be accordingly brought on the general register; whilst revenue-free lands already improperly entered on such registers may be removed by the Board (section 36).

Certain points to be recorded in registering.

6. Special attention is also here called to the important changes in the system of registration introduced by the Act. The address and the extent of interest of each person whose name is registered must invariably be ascertained and recorded before registration is completed. Again, the relation between the "local division" (which is connected with the geographical limits of a district) and the "mouzah," or unit of the revenue-roll, has to be fully and precisely shewn in the registers. The thana has been chosen by the Board to be the local division to be followed under the Act, for the reason that the geographical limits of a district by rule contain so many complete thanas, each thana by rule containing so many complete mouzahs or villages.

Thana to be the local division.

Chapter II.—Rules specially applicable to "Estates" or Revenue-paying Lands.

Register of Estates divided into two parts.

1. The general register of "estates" in each district is divided into two parts, the distinction between these parts depending on a comparison of the geographical limits of the district with the revenue roll.

2. Part I of this register includes all estates wholly or for the greater part within the geographical limits and borne on the revenue-roll of the district.

Part I.

3. Part II includes estates partly within these geographical limits, but borne on the revenue-roll of another district. In other words, Part II provides for the registration of estates which are geographically situated in two districts, and which, under the rule laid down in Act VI of 1853, are shewn on the revenue-roll of the district in which the largest portion of the estate is situated.

Part II.

Forms of Register A.

4. The forms of this register, Parts I and II, are given in the Appendix as A, Parts I and II.

5. The cases in which registration is compulsory are pointed out in rule 1 of Chapter IV. A mortgagee of any proprietary right in an "estate" does not come under the provision of the law explained in that rule, but he may, if he so wishes, apply for registration of his temporary lien. In such a case it is immaterial whether the mortgagee be in possession or not. Under section 44 the procedure indicated in Chapter IV should be followed, as far as possible, in registration of a mortgagee's name and interest.

Mortgagee may apply for registration.

6. The definition of an "estate" given in section 3 includes "any land being the property of Government of which the Board shall have directed the separate entry on the general register" of estates. It will be seen, however, that lands occupied by Government for public purposes, on account of which no land revenue is demanded, and waste and other lands not assessed to land revenue, are to be entered in Parts II and III of the register of revenue-free properties. In the register of *estates* must be separately shown all Government *khas mehals* and *ryotwari* tracts for which a separate account is opened in the towjih.

Definition of estate.

Khas mehals and ryotwari tracts.

Note.—On an enquiry how entries are to be made in Part I of the general register of estates with regard to the Government *khas mehals* for which a separate account is opened in the towjih, the Board ruled that, if the registers are kept in Bengali, "Sircar Bahadur" should be entered against the khas mehals; if in English, it will be sufficient to enter "Government."—(Board's Proceedings of 25th September 1880, No. 219, Collection 1, File 269).

Chapter III.—Rules specially applicable to Revenue-free property.

1. The general register, B, of revenue-free property is divided into three parts, lands belonging to private owners and exempt from revenue in perpetuity being distinguished from lands which are merely not yet assessed, and a separate register being also maintained for lands occupied for public purposes by Government or public bodies on account of which no land revenue is demanded.

Register of revenue-free property divided into three parts.

Part I.

2. Part I thus provides for entries of all lakhiraj grants declared valid by competent authority, as also of lands acquired from Government with a revenue-free title, either on redemption or in any other manner.

Parts II and III.

3. Part II is solely for lands occupied by Government or public bodies for public purposes revenue-free, and Part III includes all other lands (such as unassessed waste) from which no revenue is realized, though under certain circumstances they may at a future date become liable to payment of revenue.

Forms of Register B.

4. The forms of this register, Parts I, II, and III, are given in the Appendix as B, Parts I, II, and III.

Board may provide other means for registration of revenue-free property.

5. If at any time, for special reasons, it may appear undesirable or impracticable to maintain in any district the registers of revenue-free property above described, the Board are empowered to provide other means and rules for the registration of such property in any such district in the manner laid down in section 13.

Chapter IV.—Procedure for Registration.

Application—by whom to be made.

1. When the Act is fully introduced, the obligation of initiating registration of estates and revenue-free properties rests on the person in possession. Every proprietor is bound within six months from the date of his succession, and every joint proprietor in charge or person appointed as manager is bound, within six months of his assumption of such charge, to apply for registration either personally or by agent. The form, E, of application is given in the Appendix. Separate applications must be made by every person having a separate interest or share as proprietor or manager. Joint applications should only be received where the proprietors hold the estates together, without specification of shares, or in the case contemplated by section 46.

Application to be tested.

2. On receiving an application for registration, the Collector should first satisfy himself that every heading has been properly and completely filled up, and that the application has been subscribed and verified by the applicant or his agent under a declaration that the particulars contained therein are true to the best of his knowledge and belief. When this has not been done, the application should be returned for revision, and no application should be finally received until it has been completed.

Notice to be issued to objectors.

3. If the application clearly sets forth that the applicant has, either in part or whole, succeeded to the estate or the revenue-free property, or assumed charge thereof, and that he has duly acquired possession in consequence, the Collector should then issue a notice calling on all persons who object to the registration of the applicant's name, or to the character and extent of interest claimed by him, to give in a written statement of their objections, and to appear on a prescribed date. The form, F, of notice is given in the Appendix.

Notice to be published with all care.

4. The officer charged with the publication of the notice should invariably report to what extent section 49 has been obeyed, and on receiving such report the Collector should at once satisfy himself that no irregularity or omission has occurred such as would cause material injury to any person concerned (section 51).

Notice to transferor.

5. Should the applicant claim to be registered by virtue of a transfer from any living person, a copy of the notice referred to in rule 3 of this Chapter should be served on the alleged transferor in the manner indicated in section 50.

Date of disposal of application.

6. Each application should be taken up for further orders, if possible, on the day fixed in the notice. If the Collector or the Assistant, Deputy, or Sub-Deputy, Collector to whom the Collector may have delegated the performance of duties under the law is unavoidably prevented from hearing the case on that date, he should fix the next earliest possible date for the hearing, and the responsibility for the delay consequent on the non-observance of this procedure will rest entirely on him.

Points for Collector to examine.

7. When the applicant claims to be proprietor by succession or transfer, the Collector has to satisfy himself on two points—

(1) that the succession or transfer has taken place;

(2) that the applicant is in possession accordingly.

Possession—when sufficient.

8. When the applicant claims to have assumed charge as joint proprietor on behalf of his co-sharers or as manager, the Collector need satisfy himself only on the one point of the applicant's being in possession, and he should then order the registration of the applicant's name. The form, G, of decree to be used in all ordinary cases is given in the Appendix; but where a more detailed decision may be, owing to the intricate nature of a case, required, another form can be adopted, the general principle of form G being observed, and the decision itself being written by the deciding officer.

Procedure when objections call for further enquiry.

9. If in either of the cases referred to in rules 7 and 8 of this Chapter, the Collector is not satisfied on the points raised, and considers that the objections made to the applicant's claim call for further enquiry, he must then adopt one of two courses—*First*, if the claim to right to possession can with manifest advantage be settled by summary inquiry, the Collector should proceed to make such inquiry, calling for such witnesses and documents as he desires to have before him, and should then deliver possession to the person appearing to have such right, and complete the registration accordingly. This course should, in preference, be adopted by the Collector whenever possible. *Secondly*, if the claim to right to possession is of so intricate a kind that a civil court can more properly decide it, he should refer the case to the principal civil court of the district.

Procedure when claims disputed only in part.

10. Similarly, if objection is made to the applicant's claim in respect to a part only of the interest claimed by him, the applicant's name should be registered for the unopposed extent of his claim on satisfactory

proof of possession, and reference should be made to the civil court for the determination of the dispute as to the remaining part of the interest claimed in the case, and in regard to which the applicant's right to registration is not proved to the satisfaction of the Collector.

Procedure in making reference to civil court.

11. The attention of the Board has been drawn to instances of carelessness in making a reference to the civil court under sections 55 and 58 of the Act. The procedure prescribed under section 58 must be carefully adhered to, and information must be furnished categorically and separately under each of the five heads specified in the section.

Certificate of civil court.

12. On receiving from the civil court a certificate of the order passed on any reference, the Collector should complete the registration accordingly.

Attendance of parties and witnesses.

13. Every Collector, when exercising the powers given to him by section 53, is particularly desired to make careful arrangements for the attendance of parties and witnesses. In every case an appropriate date should be fixed when they can conveniently attend, and on that date the Collector should without fail dispose of the case. The Government desires Collectors to bear always in mind that great importance is attached to the adoption by them of proper precautions in this respect

When Collector may strike out names from register.

14. Under section 29, the Collector is directed to strike out of a general register of estates or revenue-free properties the name of any person previously recorded as proprietor or manager in cases where he is satisfied, after such further inquiry as may seem necessary, that such person is no longer in possession of any interest in such estate or property. If required, the Collector should give a certificate of his order to the person whose name is struck out.

Notice of change in names or interests already registered.

15. When, under an order for registration, any change is made in the names or record of interests of persons who have been registered, the Collector is required by section 77 to post notices of such changes at his own office and at other places pointed out in that section, provided that such notices should not be issued until the order for registration has been confirmed on appeal, or until the period of appeal from such order has expired without presentation of an appeal. The Board have ruled, in accordance with the opinion of the Legal Remembrancer, that the cost of serving notices under section 77 must be borne by Government, and cannot be recovered from the parties concerned.

Cost.

CHAPTER V.—RULES TO IMPROVE THE ACCURACY OF REGISTRATION BY MEANS OF EXECUTIVE ACTION.

Object of this Chapter.

The proposal to increase by legislation the efficiency of those provisions of the existing law, which are designed to secure the regular registration of all changes in proprietary titles taking place subsequently to the initial registration, having for the present been abandoned, the following rules have

been made for the improvement of the accuracy of registration by means of executive action.

Disqualifications of persons not registered.

2. Various disqualifications are now imposed by law on those who neglect to register. Under section 78 of the Act no one is bound to pay rent to an unregistered proprietor. A revenue officer making a settlement of rents under Chapter X of the Tenancy Act may refuse to entertain an application for enhancement or settlement of fair rents from a proprietor who is not registered. Only registered proprietors are entitled to butwara, to open separate accounts with the Collector, whether for revenue or cesses, to bring a putni to sale, to object to common or special registry, and to claim surplus sale proceeds in the event of the estate of which they are proprietors being sold for arrears of revenue. In regard to the imposition of disabilities, it is always necessary to abstain from measures which will embarrass the careful zemindars who have complied with the provisions of the law, as well as those who have not; but, subject to the application of this general principle, it is the duty of Collectors to enforce on all occasions every legal disability under which unregistered proprietors are now placed.

Forms of application.

3. In order to multiply facilities for registration, forms of application have been prepared, which will be available free of cost at all sub-registry offices and post-offices, and with khas tehsildars, excise sub-divisional darogahs, stamp vendors, and other officials who may be appointed by the Collector for the purpose. A copy of the form, E, is given in the Appendix.

Applications, where presentable.

4. Applications for registration may be presented not only at the Collectorate, but also at sub-divisional offices. Under schedule II, heading 1 (*b*) of the Court Fees Act (VII of 1870), each such application must bear a stamp of eight annas.

Procedure on receipt of application.

5. The officer who receives the application must satisfy himself that every heading has been properly and completely filled up, and that the application has been subscribed and verified by the applicant or his agent under a declaration that the particulars contained therein are true to the best of his knowledge and belief. Any sub-divisional officer who may receive these applications should lose no time in transmitting them to the Collector through the post-office in a cover prepaid with service stamps. A register, in the simplest form, must be kept by each officer of the applications received by him and of the date of their despatch to the Collector.

Duties of Sub-Registrars.

6. As regards the transfer of estates, the records in the registration offices contain much information. Even in respect of sales held in Civil Courts, the registering officers receive copies of the sale certificate. Sub-Registrars are therefore, with the permission of the Inspector-General of Registration, required to submit to the Collector monthly lists of all transfers of estates, whether revenue-paying or revenue-free. Rule No. 13 of the High Court's circular, dated the 24th September 1886, prescribes that the Civil Courts shall give direct

THE Board direct that the following be inserted after the words "should be utilised" in line 2, rule 9, Chapter V, page 47, of the Land Registration Manual, 1889:—

"The names of proprietors of estates and their interests shown in the Returns received during the course of a cess revaluation should be compared with the entries in Register D, and measures should be taken to reconcile discrepancies and to correct Register D." 8-1-1904.

notice to Collectors of all sales of estates or shares of estates. The Collector is then in a position to see whether any person purchasing either on voluntary sale or in execution any proprietary title neglects to register under the Act, and should take proceedings against any one who omits to do so within the prescribed time.

Note 1.—The rule referred to, made by the High Court under section 652 of the Civil Procedure Code for the guidance of Civil Courts subordinate to it, and published in the *Calcutta Gazette*, dated the 1st September 1886, Part I, page 966, is as follows: "Whenever any estate or share of an estate has been sold by any Civil Court in execution of a decree, such sale shall be notified by the Court to the Collector of the district in which such estate or share of an estate is situated after the same shall have been confirmed under section 314 of the Code of Civil Procedure."

Note 2.—The Inspector-General of Registration has issued the necessary instructions to all Registering officers to give effect to the procedure indicated in this rule. (Board's C. O. No. 1 of September 1888.)

District Judges to supply information.

7. In cases of succession by ~~right of~~ inheritance there is more difficulty, but material assistance will be afforded in this respect if District Judges will invariably inform Collectors whenever applications for certificate or letters of administration or for probate are filed in their Courts. Collectors should therefore ask District Judges to be good enough to keep them informed of such cases.

Cases for vigorous executive action.

8. There will necessarily remain many cases which these rules do not cover. In particular the number of transfers of estates and of shares of estates by inheritance when probate is not taken out must be far from inconsiderable. These cases can only be met by vigorous executive action. In districts where this can be done, and where the statistics show that registration is imperfectly effected, the record-keeper should be required to report every estate in which no mutation has taken place for ten years, and a special enquiry should then be made in each case. A few examples of fine under section 65, judiciously administered in the case of proprietors who have neglected to register, would prove very efficacious in inducing other defaulting proprietors to comply with the provisions of the law. It is probable also that the stir which such an enquiry will excite will tend to make proprietors generally more alive to their responsibilities under the Act.

Exemplary fines.

Various means possible of ascertaining proprietors.

9. In all districts such means of check as the Road Cess procedure affords should be utilised. Settlement proceedings, partition cases, and appeals under Act XI of 1859, also disclose the names of the real proprietors of estates, and the results obtained from these sources should be compared with the entries in registers kept under the Land Registration Act. Under rule 7 of Chapter IX, it is laid down that it is the duty of all Sub-Divisional Officers, Sub-Deputy Collectors and Canoongos to report at once to the Collector the occurrence of any change in the proprietary condition of an estate or revenue-free property. This rule has not proved very efficacious, but there is no other local agency available, and it is certain that, if these officers

were to devote more attention to enquiries of this nature, there would be a perceptible improvement in the number of applications for registration.

Collectors to initiate action.

10. The Board are convinced that a vigorous administration of the law as it stands would enforce registration much more generally than is the case at present; and notwithstanding that the discharge of this duty will impose an additional burden of work on district officers, the Board must point out that it is a duty incumbent upon Collectors to take vigorous and spontaneous action in all cases which come to their notice. It is on this energetic working of the law by Collectors that the success of the land registration operations must primarily depend.

Small estates in Cuttack exempted.

11. These rules do not apply to small revenue-free estates in Cuttack. The advantage of registration in such cases is not commensurate with the expense and trouble involved, and with the approval of Government an order has been passed by the Board, under section 13, directing that in that district no registration of any revenue-free estate the area of which is less than two mâns shall be made in future.

Note.—For the order referred to, see the notifications of July 7th and 18th, 1888, in the Appendix.

Chapter VI.—The Preparation and Maintenance of Registers of Estates and Revenue-free Properties.

Board may order new registers.

1. The Board are empowered, under section 22, to order the preparation of new registers whenever they may think fit, and the first step by a Collector towards carrying out such orders must always be to extract from the existing registers all the available information there contained and enter it in the new registers. Before any entry, however, is thus made, the details should be carefully compared with the record (in the intermediate register noticed further on) of every change that has in any respect been made since the existing register was prepared, and all necessary corrections should be accordingly made.

Boundaries, as well as names, to be noted.

2. In the general register A of estates, and in Part I of the general register B of revenue-free property, such changes will ordinarily occur in respect of the names and addresses of the owners and the character and extent of their interests, but any alteration in the boundaries of local divisions or thanas should be also carefully noted in the new register.

Registers to be paged and attested.

3. The registers to be prepared under the Act must be paged and attested by the Collector of the district, or by an Assistant, or Deputy, Collector; the number of pages in each register being at the same time entered in the handwriting of the Collector, or his Assistant or Deputy, in the last page of the register.

2. In line 2 of rule 11, Chapter V, page 48 of the Manual, after the district Cuttack *add* Balasore and Puri.

3. In line 5 of the rule *for* the words "an order has been passed" *substitute* the words "orders have been passed." 2.5.00

4. In line 6 of the rule *for* the words "in that district" *substitute* the words "in those districts." 2-5-1900

5. *For* the note to rule 11 *substitute* the following :—

"*Note.*—For the orders referred to, see the notifications in the Appendix on page 85 of the Manual." 2.5.1900

"7. The headings of registers A and B are printed in English. Entries of words in these registers should be written in English. Figures should invariably be written in English (*i.e.*, Arabic) numerals."

Language and character in English.

8-1-96.

4. In preparing the register the arrangement of the English alphabet is to be followed, initial long á being taken as equivalent to 'Aa.' In converting vernacular letters into English the following tables are to be used :—

Alphabetical order and transliteration.

Bengali.						Urdu.					
ক	k	থ	th	হ	h	f	ف	r	ر	a, á, i, u, ا, ا, ا, ا	
খ	kh	দ	d	ক্ষ	khy	q	ق	z	ز	b	ب
গ	g	ধ	dh	অ	a	k	ک	y	ژ	p	پ
ঘ	gh	ন	n	আ	á	g	گ	zh	ژ	t	ت
ঙ	n	প	p	ই	i	l	ل	s	س	t	ت
চ	ch	ফ	ph	ঈ	í	m	م	sh	ش	s	ث
ছ	chh	ব	b	উ	u	n	ن	s	ص	j	ج
জ	j	ভ	bh	ঊ	ú	w, o, ú, au	و	z	ض	ch	چ
ঝ	jh	ম	m	ঋ	ri	h	ه	t	ط	h	ح
ঞ	n	য	j, y	ৠ	rí	y, ai, e	ي	z	ظ	kh	خ
ট	t	র	r	এ	e			a, á, i, u	ع	d	د
ঠ	th	ল	l	ঐ	ai			gh	غ	d	ذ
ড	d	ব	v	ও	o						
ঢ	dh	শ	s	ঔ	au						
ণ	n	ষ	sh	ং	ng						
ত	t	স	s	ঁ	n						

5. The name of the estate or village should invariably be the leading word, and not such territorial distinctions as "Chak," "Taraf," "Kismat," "Arazí," and the like, which should follow, not precede, the name. The names, whether in English or the vernacular, should be written in full.

Index words.

6. In regard to the transliteration of vernacular names of estate and persons into English, care should be taken invariably to observe the rules laid down in the Resolution of the Government of Bengal dated the 13th April 1872.

Transliteration.

7. The forms of registers A and B contain headings in English and in the vernacular of the district. Entries should be written ordinarily in the language and character used in the district. If, however, the Commissioner should be at any time of opinion, from a generally extended use of English throughout any district, that it is advisable to

Language and character of the district, or English.

adopt that language for the registers, he should at once report the matter for the orders of the Board.

Entries to be numbered consecutively.

8. Careful attention is necessary to the latter part of section 5 in accordance with which the entries in each part of the general registers A and B should be numbered in one consecutive series for the whole district. Different serial numbers should be given only to different estates and properties and not to each share of an estate, for instance, for which a separate account has been opened. Thus in an estate numbered 152, if there be a separate account opened by a four-anna share, this would be shewn as 152-1, not as 153.

Space to be left.

9. Each entry should have assigned to it in the register a space sufficient to allow of the writing in of corrections and the insertion of notes of alterations from time to time as occasion may require.

Points to be noted in filling up registers.

10. The following points should be carefully noted in filling up general registers A and B:—

(1)—In each part of these registers there is a column for "specification by mouzahs and local division." All entries in this column should agree exactly with the particulars shewn in the mouzahwar register C, and any corrections made in the latter should be always noted in the proper part of the general registers.

(2)—Whenever a district has been surveyed, the survey registers should be followed in filling up the column assigned in each part of registers A and B for entry of *area*; and whenever lands are taken up from any estate for public purposes, or are specially registered or otherwise permanently alienated from the estate, this area column should be invariably corrected.

(3)—The area of an estate is to be entered in the registers only "if ascertained by survey or other authentic measurement." This information should be obtained from the records wherever possible, but in cases where it is shewn in the application, and the area there stated differs from the particulars given in the records, an inquiry may be summarily made. The authentic measured area should, however, alone be shewn in the registers. To remove the difficulty which has been experienced in entering areas in the Registers A and B, in cases in which a fractional share only in any given lands belongs to the estate against which the lands are shown, the Board have directed that in such cases the "Area" column of these registers be filled in by merely copying the figures from the survey registers, with a note to the effect that these lands belong partly to other estates, and referring to the survey register for details. It will be convenient to represent this note by some conventional mark, of which the meaning may be explained once for all at the head of the registers.

8 "In the tauzi." 14-9-91.

as $\frac{152}{1}$, not 153. 5.5.91.

(4)—In filling up column 6 of register A, Part I, the above rule will be observed. But if the survey records are incomplete, and there has been no settlement "or other authentic measurement," the column should be left blank. On no account whatever should the zemindars be called on for the information.

(5)—Section 38 requires registration only in cases where the name and the character and the extent of the proprietors' interest have not already been registered. In cases where a single name stands correctly in the old register for a whole estate, or where, as is sometimes the case, the specification of shares amongst a number of persons is shewn therein, the fuller information necessary to fill up the columns of the new register should invariably be obtained by the enforcement of the provisions of section 30.

(6)—It is to be understood that no fees will be payable by any person complying with a call made under section 30.

Note.—This rule is intended to exempt persons supplying information under section 30 from payment of any kind, whether stamp or registration fee.—(Board's Proceedings of 3rd August 1878, No. 203, Collection 1, File 109.)

(7)—Nothing is to be entered in any part of Register B unless it is *already* recognized and registered as a revenue-free property in some way or other, or until the procedure of section 35 has been observed.

(8)—At the outset in Part I will only be entered (1) lands already recognized as lakhiraj by competent authority and entered in Register C, and (2) lands in which Government has granted a perpetual proprietary title revenue-free, and which are entered as having such title in Registers* 21 (46), 22 (46A), or 36 (60).

(9)—It will not ordinarily be necessary for the purposes of this Act to inquire whether all the properties now found in Register C were correctly so entered. Where there is a manifest error, such as where land resumed and settled is still shewn in Register C, the facts must be reported for the Board's orders; and if it is found hereafter that any properties have been erroneously entered in Register B, the Board can remove them under section 36.

(10)—In part II should be entered all lands occupied by Government or by any public body for public purposes free of revenue demand, whether the lands were originally held free from the payment of revenue, or whether they were revenue-paying, but have since been acquired in fee-simple under the Land Acquisition Act. It will not include lands rented by Government from private owners, or held by Government rent-free with or without consent of owners, such tenures not being held on a proprietary title. Railway B class lands will be shewn here, with a note that they are occupied temporarily.

* *Note.*—Register 21 (46) of sales of waste lands and completed commutations of leasehold grants, and Register 22 (46A) of commutations of existing grants have been abolished. Register 36 (60) is now No. 36 of redemptions of petty estates.

(11)—In Part III will only be entered waste or other similar lands not assessed to revenue, such as are shewn already in Registers* 17 (41) and 18 (42).

(12)—The procedure of section 35 must be gone through before any hitherto unregistered addition can be made to *any part* of the new Register B.

(13)—If a Collector thinks that—

(1)—any plot of lakhiraj not now in Register C, or any lands of which Government has given a revenue-free perpetual proprietary title not already entered in Registers† 21 (46), 22 (46A), or 36 (60) should be entered in Part I; or

(2)—that any lands occupied for public purposes should be entered in Part II; or

(3)—that any waste or other unassessed lands (such as island churs in course of formation) not now entered in Register* 17 (41) or 18 (42) should be entered in Part III—

he must proceed under section 35, and if the entry is to be in Part I of Register B, he must get the Board's orders. Where the property which it is proposed to register is in the possession of Government, the Collector himself will take the necessary steps ordinarily required from the proprietor or manager, and will procure all needful information to complete the entries.

(14)—If the Collector finds any lands held without payment of rent which are still not recognised lakhiraj, and if he is of opinion that they should not be registered as separate revenue-free properties, he should proceed under section 33 or section 34, according as he finds that the said lands are included locally within the limits of one or more estates (section 33) or lie entirely outside the local limits of all existing estates (section 34).

(15)—Lands which have been separately marked off by the survey as IZAD, but which have not been assessed to revenue, are not to be entered in any part of Register B as revenue-free properties: such lands, when surveyed in a separate *halqua*, must be considered to be outside the local boundaries of all recognised estates, and must be treated under section 34.

(16)—The numerous petty lakhiraj holdings not registered in existing Register C should generally be treated under section 33. None of them can be entered in Register B, Part I, without the orders of the Board. They cannot be entered in any other part of Register B.

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* *Note.*—These Registers were abolished by C. O. No. 3 of January 1888.

† *Note.*—Register 21 (46) of sales of waste lands and completed commutations of leasehold grants, and Register 22 (46A) of commutation of existing grants have been abolished. Register 36 (60) is now No 36 of redemptions of petty estates.

Additional entries how to be made.

11. When the preparation of registers of estates and revenue-free properties has been completed, no additional entry of a new estate or revenue-free property can be made in consonance with the alphabetical arrangement above prescribed, and such entry can be inserted only after the last entry already numbered in the register. The Act therefore directs (section 23) that a note shall be made at the place in the register where, by regular alphabetical arrangement, the entry would have properly been inserted, and this note should be always written *in red ink* in the last column of the register, which has been provided for references to entries in the intermediate register. All such additional entries should be made strictly according to the date on which the order for their registration was passed. This rule applies to all lands, whether revenue-paying or revenue-free.

Details to be noted in case of revenue-paying lands.

12. In regard to revenue-paying lands specially, any alteration in the amount of Government revenue payable, any partition of an estate, the removal of an estate from the register, and the redemption of his mortgage when the mortgagee's name has been registered, should be noted in the column of the general register of which the heading relates to such change, mention being also made of the authority under which the change has been made.

And of revenue-free lands.

13. Similarly, in regard to revenue-free lands, the assessment of any such property to revenue, the partition of any such property, or its removal from the register, should be noted in the proper columns of the register, mention being made of the authority ordering the change.

Procedure when Collector considers change necessary,

14. If the Collector should, under any other circumstances, consider a change to be necessary in his registers, he must give notice to the *recorded* proprietors or managers of the lands concerned, and duly consider any objections preferred before him before he finally orders the change to be made.

and when estates are transferred to another revenue-roll.

15. Section 30 directs that on any transfer of an estate from the revenue-roll of one district to that of another, the transferring Collector shall send to the Collector of the other district a copy of all entries in any of the registers relating to the transferred estate, and that a similar procedure shall be followed on every new entry or alteration of an entry existing in a register which affects another district. The Collector of the "other district" affected by the change must copy into his own registers the entries of which particulars are thus sent to him. The attention of every Collector is also here drawn to the provisions of clause (*c*) of the same section in regard to the establishment of new villages.

Collectors to send information to one another.

16. With a view to facilitate the preparation of register A, Part II, all Collectors should send information to the Collectors of districts concerned of revenue-paying lands situated in their districts, but appertaining to estates borne on the revenue-roll of other districts, and *vice versâ* the Collectors on whose towjih the estate stands should send all

the information they can to the Collectors within whose districts outlying lands of the estate are situated.

Collector may call for information at any time.

17. Under clause (*d*) of the same section, if the Collector at any time requires information for the preparation or correction of entries in the general registers of estates and revenue-free properties and in the mouzahwar registers, he may call on every proprietor or manager of such land to furnish the required information, by service of notice after the manner laid down in section 50.

Collector may include lands in registered estates.

18. The law also prescribes that whenever the Collector considers that lands not included in any registered estate or revenue-free property should be so included for the purposes of the Act, he shall issue a general notice to that effect under the procedure of section 49, and a special notice on the person in possession under the procedure of section 50, calling on any objectors to come forward within a fixed time, ordinarily a month, at the expiration of which orders shall be passed by the Collector in the matter.

Civil Court may order registration of transfer.

19. The circumstances under which the Registers may be altered on the order of a Civil Court, under section 32 of the Act, should be noted.

Chapter VII.—The Mouzahwar Register by Local Divisions.

Arrangement by thanas.

1. As stated in Chapter I, the Board have decided under section 15 that the thana shall be the local division of every district according to which this register shall be arranged. The mouzahs in each thana will therefore be arranged separately in alphabetical order, with a separate series of numbers for each thana.

Form of Register.

2. The form, C, of mouzahwar register is given in the Appendix.

Areas to be entered.

3. Wherever a survey has been made of the district, the areas to be entered in this register should, as far as possible, be taken from the survey records. Where no survey has taken place, any recent settlement proceedings should be always consulted. All possible care should be taken to fill in the details of area accurately. The columns of gross rental must necessarily be left blank for many entries, but it should be filled up wherever the Collector, either through records of his management of an estate or through road cess, settlement or other proceedings, can ascertain the proper details.

Additional entries how to be made.

4. As already laid down in the case of the general registers of estates and revenue-free properties, where the preparation of mouzahwar registers has been completed and additions are found to be necessary, such entries must be made at the end of the register, a *red ink* note being written in at the place in such register where, by regular alphabetical arrangement, the entry would have properly been inserted, the entry itself being made according to the date on which the order for its registration was passed.

5. "in Form No. 220A, kaifyat for mutation of names." 11-6-96.

"5A. The Land Registration Deputy Collector should in each case of mutation send to the Road Cess Deputy Collector a copy of the order prescribed at page 80 of the Manual. The latter will have his registers corrected accordingly, and after certifying on the order that this has been done, will return it to the Land Registration Deputy Collector, to be filed with the mutation record." 4-7-91.

"5A. The Land Registration Deputy Collector should in each case of mutation circulate in succession to the Road Cess Deputy Collector and the officer in charge of the zamindari dák cess a copy of the order prescribed at page 80 of the Manual. These officers will have their registers corrected accordingly, and after certifying on the order that this has been done, will return it to the Land Registration Deputy Collector to be filed with the mutation record. In districts, however, in which estates paying a revenue under Rs. 50 annually are exempted, notice of mutation need only be sent to the Zamindari Dák Cess Office for estates paying a revenue above Rs. 50 per annum." 7-3-92.

Chapter VIII.—The Intermediate Register.

1. The purposes for which this register has been prescribed are detailed in section 16. The form, D, of the register will be found in the Appendix, and is divided into two parts—one applicable to revenue-paying lands, the other to revenue-free lands.

Object of this register.

2. In rules 12 and 13 of Chapter VI, reference has been made to the alterations to be noted in registers A and B. The intermediate register is intended for the record of changes which cannot be noted in these two general registers, and this distinction should always be borne in mind.

Distinction in recording changes.

3. As pointed out in sections 18 and 19, care must be taken to keep the entries relating to any local division in exact accordance with the details of the mouzah-war register.

Entries how to be made.

4. All changes which should appear in the intermediate register as above explained should be there entered as soon as the decree of registration has been made, and the column headed "Date and details of mutation allowed" should be filled up in sufficient detail to admit of the necessary alteration being made in the general registers A and B, whenever those registers may be rewritten, without reference to any other documents.

Changes when to be entered.

5. On a decree being passed in a mutation case, an order is to be sent at once to the record-keeper to make the necessary entry in the register: he is thereupon to return the order with a note, giving the number and date of the entry, to the officer who passed the order. If the order be reversed on appeal, a fresh one is to be sent to the record-keeper to note the reversal in the register. This fresh order is similarly to be returned by him to the officer who passed it endorsed with a note showing how he has obeyed it. The orders thus sent to the record-keeper are to be filed with the record.

Record-keeper to make entries in registers.

6. Whenever an entry is made in the intermediate register, a reference should be noted in the final column of the general register concerned against the estate or revenue-free property affected.

Entries to be noted in general register.

7. The Commissioner, on his annual inspection of each Collectorate, should carefully examine the intermediate registers; and, whenever they may be found to have increased to a considerable size, he should recommend the preparation of new general registers for the approval of the Board.

Inspection by Commissioner.

Chapter IX.—Fees and Penalties.

1. The rates at which fees are to be levied for registry under the Act are clearly laid down in section 64. They can only be levied for a first registration after a

Fees.

transfer of an interest. All registration fees amounting to less than Rs. 5 in each case should, however, be remitted.

How to be credited.

2. All such fees shall be credited to a special sub-head under "Provincial Services, Land Revenue," viz. "Fees under the Land Registration Act, VII (B.C.) of 1876." Fines levied under the Act will be credited to "miscellaneous" as fines and forfeitures of revenue courts, and searching and copying fees under section 75 to "Provincial Services" as revenue record-room receipts. Charges incurred under the Act will be merely on account of extra establishment, and will be debited to "4—Land Revenue, Collectors,' and Deputy Commissioners', &c., establishments, temporary establishments."

Costs under section 54: fees for notices.

3. Section 54 provides that all costs of any enquiry or proceedings held before the Collector under the Act shall, except as provided in section 50, be payable by the parties concerned. Section 50 provides that, for notices issued under sections 48 and 50, no fees or other costs shall be payable by the applicant for registration. The third paragraph of section 50 does not apply to sections other than 48 and 50: the other sections are governed by section 54. But, having regard to the nature of the enquiry, it has been ruled that no fees should be levied from parties served with notices under sections 30 (*d*), 35, 37 and 83: for all other notices, however, issued under the Act, such as those under sections 31 and 65, the regular fees for processes issued from a Collectorate are to be levied. Payment of the fees under section 64 should not be demanded until the registry has been made.

Searching and copying fees.

4. Fees on applications for searching any of the registers or copying extracts from them should be levied under the general rules prescribed by the Board regarding other Collectorate records.

Penalties in certain cases.

5. The Act prescribes the imposition of penalties in certain cases of omission to comply with its provisions. Under section 31 failure to give notice to the Collector in specified cases, or to furnish information on certain points detailed in the law, is punishable by fine not exceeding one hundred rupees, and by further daily fine until the law is obeyed, not exceeding fifty rupees. The procedure to be followed in these cases is given in section 31, and should be most carefully observed.

Exemptions from fine.

6. Again, by section 65, failure to apply for registration as enjoined in section 42 is punishable by fine to the extent specified in the preceding rule, except under circumstances which will be found described in section 67.

Subordinate revenue officer to report changes.

7. In order that the Collector may be in a position to determine in what cases he should take steps to impose a penalty under section 65, it should be pointed out to all Sub-Divisional Officers, Sub-Deputy Collectors, and Canoongos, that it is their duty to report at once to the Collector the occurrence of any change in the proprietary condition of an estate or revenue-free property, and the notices prescribed by law should then be issued.

CHAPTER X.—MISCELLANEOUS.

Appeals.

1. Provision for the hearing of appeals from orders passed under the Act has been made in sections 85 to 87 thereof. Whenever it may appear to the Commissioner that an officer should be vested with special appellate powers under section 87, he should report the matter to the Board.

Rent-free lands.

2. Lands held without payment of *rent* should be dealt with under section 33.

Lands to be named in case of confusion.

3. Where the name of any estate or revenue-free property appears to the Collector to be so indefinite as to be a probable cause of confusion, he should cause a name to be given under section 83. Where an estate is known by one name officially and by another locally, it should, as a rule, be entered under its official name, the other being shown as an *alias* in brackets.

Applications or petitions to be stamped.

4. All applications or petitions presented to District Officers under Act VII (B C.) of 1876 fall under the Court Fees' Act VII of 1870, schedule II, heading 1(*b*), and should bear a stamp of eight annas.

General power-of-attorney.

5. A question having arisen as to whether a general power-of-attorney is sufficient to enable a revenue agent to conduct proceedings under the Land Registration Act, the Board ruled as follows:—The distinction that ought to be drawn is not between an agent appearing in judicial proceedings or otherwise, but between his discharging the functions of a general agent or of a revenue agent qualified and specially authorised to appear in court and plead, or otherwise perform acts for which pleaders, mooktears, and revenue agents are specially licensed.

The Board therefore see no objection to an agent with a general power-of-attorney being allowed to present applications, under the Land Registration Act, to produce witnesses for examination, supply information, &c ; but he should not be permitted, on the strength of his general power-of-attorney, to address the court, plead, or otherwise argue the case in any way before the court, though he may, of course, be examined as a witness.

If in a contested case or otherwise, it is desired that witnesses should be examined, or arguments addressed to the court on behalf of the applicant, or of the opposite party, a revenue agent must be appointed for that purpose by special power-of-attorney, which may be given by the general agent if his general power is so worded as to admit of it. There is no objection to an agent acting under a general power taking out a special power in his own name.

Forms.

6. The following forms for use in proceedings under the Act can be obtained from the Superintendent of Stationery :—

Registers A—D.
Form E. (Application for registration and mutation of names).
Forms F. (notice under section 48).
Form G. (Decree for registration).
„ G. (as specially prescribed for Orissa and district of Chittagong).

Register 4 (mutation cases).
Register 12 (of separate accounts).
Malikana Register A.
———————D.
Return IV (of Intermediate Registrations).
Notice under section 30.
Rubakari under section 49.
Summons to witnesses under section 53.
Ishtahar———————.
Warrant to witnesses under section 53.
Deposition of witness.
Notice under section 65.
" under section 77.
Order to Nazir, to serve notices.
Perwana to Nazir to realize fees.
Order to record-keeper and Road-cess Head-clerk.
Fly-leaf of papers.

Forms specially prescribed for use in Calcutta.

Register A. (Part I).
———.. B. (Part I).
..——— (Part II).
Application for registration of names.
Notice under section 65.

APPENDIX

General Register, A, (Part I)

of Revenue-paying Lands in Estates borne on the Revenue-roll of the District of

জিলার তৌজিভুক্ত ইষ্টেটের মালগুজারি জমীর সাধারণ রেজিষ্টরির প্রথম ভাগ

[*See* sections 6 and 7 of the Act.]

১। নম্বর।	1. Number.
২। ইষ্টেটের নাম অকারাদি ক্রমে লিখিত।	2. Names of estates alphabetically arranged.
৩। তৌজির নম্বর।	3. Number in revenue-roll.
৪। ঐ ইষ্টেটের মালিকানের, মেনাজারের এবং বন্ধকবাখনীয়ার নাম ও শিরোনাম এবং প্রত্যেকের স্বত্বের বিবরণ এবং সীমা।	4. Names and addresses of the proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, or mortgagee.
নাম এবং শিরোনাম।	Sub-heads. (*a*) Name and address.
স্বত্বের বিবরণ এবং সীমা।	Sub-heads. (*b*) Character and extent of interest.
৫। মৌজার এবং স্থানীয় বিভাগের বিবরণ।	5. Specification by mouzahs and local division.
মৌজার নাম।	Sub-heads. (*a*) Name of mouzah.
কোন্ থানাভুক্ত।	Sub-heads. (*b*) In what thana.
মৌজাওয়ারি রেজিষ্টরির নম্বর।	Sub-heads. (*c*) Number in mouzahwar register.
৬। প্রত্যেক মৌজার জমীর পরিমাণ (একরেতে) জরিপী বা অন্য কোন যথার্থ মাপের দ্বারা হউক।	6. Area in acres by survey or other authentic measurement in each mouzah.
আবাদী।	Sub-heads. Cultivated — B. K. C.
পতিত।	Sub-heads. Waste. — Acres. R. P.
একুন।	Sub-heads. Total.
৭। ইষ্টেটের সদর জমা।	7. Government revenue of the estate.
৮। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ	8 Reference to entries made in the intermediate register.

General Register, A, (Part II)

of Revenue-paying Lands situated in the District of but appertaining to Estates borne on the Revenue-roll of other Districts.

জেলার অন্তর্গত কিন্তু অন্য জেলার ও তৌজিভুক্ত ইষ্টেটের মালগুজারী জমীর সাধারণ রেজিষ্টরির ২ দ্বিতীয় ভাগ।

[*See* section 8 of the Act.]

১। নম্বর।	1. Number.
২। ইষ্টেটের নাম অকারাদি ক্রমে লিখিত।	2. Names of estates arranged alphabetically.
৩। অন্য জেলার বিশেষ বিবরণ।	3. Particulars of other districts.
ইষ্টেট যে জেলার তৌজিভুক্ত তাহার নাম।	Sub-heads. (*a*) Name of district on revenue-roll of which the estate is borne.
উল্লিখিত জমিনের সাধারণ রেজিষ্টরের ১ প্রথম ভাগের নম্বর।	(*b*) Number in general register, Part I, of the forenamed district.
৪। ঐ ইষ্টেটের মালিকানের, মেনেজরের এবং বন্ধক রাখনীয়ার নাম ও শিরোনাম এবং প্রত্যেকের স্বত্বের বিবরণ ও সীমা।	4. Names and addresses of the proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, or mortgagee.
নাম এবং শিরোনাম।	Sub-heads. (*a*) Name and address.
স্বত্বের বিবরণ এবং সীমা।	(*b*) Character and extent of interest.
৫। মৌজার এবং স্থানীয় বিভাগের বিবরণ।	5. Specification by mouzahs and local divisions.
মৌজার নাম।	Sub-heads (*a*) Name of mouzah.
কোন্ থানা ভুক্ত।	(*b*) In what thana.
মৌজাওয়ারির রেজিষ্টরির নম্বর।	(*c*) Number in mouzahwar register.
৬। প্রত্যেক মৌজার জমীর পরিমাণ (একরেতে) জরিপী বা অন্য কোন যথার্থ মাপের দ্বারা হউক।	6. Area in acres by survey or other authentic measurement in each mouzah.
আবাদী।	Sub-heads. (*a*) Cultivated. B. K C.
পতিত।	(*b*) Waste. Acres. R. P.
একুন।	(*c*) Total.
৭। ইষ্টেটের সদর জমা।	7. Government revenue of the estate.
৮। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	8. Reference to entries made in the intermediate register.

General Register, B, (Part I)

of Revenue-free lands, showing lands held exempt from revenue in perpetuity in the District of

———জেলার অন্তর্গত লাখেরাজ জমী অর্থাৎ যে জমী বিনা রাজস্বে চিরকাল অধিকারভুক্ত তাহার সাধারণ রেজিষ্টরির ১ প্রথম ভাগ।

[*See* sections 9 and 10 of the Act.]

১। নম্বর।	1. Number.
২। লাখেরাজ জমীর নাম ও স্বত্ব ভোগের প্রকার অর্থাৎ জায়গীর অলটমগীর বা অন্য কোন প্রকারের বিবরণ।	2. Name of revenue-free property, with the character of the tenure, whether jaghir, altumgah, &c., &c.
৩। আদি সনদের বিবরণ।	3. Particulars of original grants.
সনদের সন তারিখ।	(*a*) Date of grant.
সনদভুক্ত জমীর আন্দাজি পরিমাণ	(*b*) Nominal area granted.
দাতার নাম।	(*c*) Name of grantor.
প্রথম গ্রহীতার নাম।	(*d*) Name of original grantee.
যে কোন ডিক্রী বা হুকুমের দ্বারা ঐ সনদকে স্থিরীকৃত করে তাহার বিবরণ।	(*e*) Reference to any decree or order of competent authority declaring or recognising the grant to be valid.
৪। মালিকানের এবং মেনেজরের নাম ও শিরোনাম ও প্রত্যেকের স্বত্বের বিবরণ ওগীমা।	4. Names and addresses of the proprietors and managers, with character and extent of the interest of each proprietor or manager.
নাম ও শিরোনাম।	(*a*) Name and address.
স্বত্বের প্রকার ও পরিমাণ।	(*b*) Character and extent of interest.
৫। মৌজা এবং স্থানীয় বিভাগের বিবরণ।	5. Specification by mouzah and local division.
মৌজার নাম।	(*a*) Name of mouzah.
কোন্ জেলা এবং থানার অন্তর্গত যদি অন্য জেলার মধ্যস্থিত হয় তাহা হইলে ঐ মৌজার নাম শেষ লিখিতে হইবে।	(*b*) In what district and thana, mouzahs in other districts being entered last.
মৌজাওয়ারি রেজিষ্টরীর নম্বর।	(*c*) Number in mouzahwar register.
৬। প্রত্যেক মৌজার জমীর পরিমাণ (একরেতে) জরীপী কি অন্য কোন মাপের দ্বারা হউক।	6. Area in acres by survey or other authentic measurement in each mouzah.
৭। জমী সম্বন্ধে আদৌ রেজিষ্টরির উল্লেখ।	7. Reference to entries in earlier registers relating to the property or any part thereof.
৮। মধ্যবর্ত্তী রেজিষ্টরির লেখন উল্লেখ।	8. Reference to entries made in the intermediate register.

General Register, B, (Part II)

of Revenue-free lands, showing lands occupied for public purposes without payment of revenue in the District of

——————জেলার অন্তর্গত লাখেরাজ জমী অর্থাৎ যে সকল জমী বিনা রাজিস্ব আদায় সাধারণ কার্য্যভুক্ত আছে তাহার সাধারণ রেজিষ্টর ২ দ্বিতীয় ভাগ।

[*See* section 11 of the Act.]

১। নম্বর।	1. Number.
২। প্রত্যেক লিখিত জমীর পরিমাণ।	2. Area in acres of the land comprised in each entry.
৩। গবর্ণমেণ্টের যে বিভাগ বা সাধারণ মণ্ডলির দ্বারা ঐ জমী অধিকৃত তাহার নাম।	3. Name of the department of Government or of Public body by which the land is occupied.
৪। কি কার্য্য নিমিত্ত উক্ত জমী অধিকৃত।	4. The purpose for which the land is occupied.
৫। জমী লইবার তারিখ এবং তাহার বিশেষ বিবরণ।	5. Date and particulars of appropriation.
৬। মৌজা এবং স্থানীয় বিভাগের বিবরণ।	6. Specification by mouzah and local division.
মৌজার নাম এবং প্রত্যেক মৌজার জমীর পরিমাণ।	Sub-heads. (*a*) Name of mouzah and area in acres in mouzah.
থানার নাম।	(*b*) Name of thana.
মৌজাওয়ারি রেজিষ্টরির নম্বর।	(*c*) Number in mouzahwar register.
৭। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	7. Reference to entries made in the intermediate register.

General Register, B, (Part III)

of Revenue-free lands showing unassessed waste and other lands in the District of not included in Parts I and II.

জেলার অন্তর্গত লাখেরাজ জমীর সাধারণ রেজিষ্টরির তৃতীয় ভাগ অর্থাৎ নিষ্কর পতিত ও অন্যান্য জমী প্রথম এবং দ্বিতীয় ভাগে ভুক্ত করা হয় নাই।

[*See* section 12 of the Act.]

১। নাম এবং লাটের নম্বর কিম্বা অন্যান্য বিবরণ যদ্দ্বারা ঐ লিখন সাব্যস্ত করা যাইতে পারে।	1. Name and number of the lot or other particulars identifying the entry.
২। প্রত্যেক লিখিত জমীর পরিমাণ (একরেতে।)	2. Area in acres of the land comprised in each entry.
৩। মৌজা বা স্থানীয় বিভাগের বিবরণ।	3. Specification by mouzah or local division.
মৌজার নাম এবং জমীর পরিমাণ (একরেতে।)	Sub-heads. (*a*) Name of mouzah and area in acres in mouzah.
থানার নাম।	(*b*) Name of thana.
মৌজাওয়ারি রেজিষ্টরির নম্বর।	(*c*) Number in mouzahwar register.
৪। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	4. Reference to entries made in the intermediate register.

MOUZAHWAR REGISTER, C,

of thana ——— *in the District of* ———.

——— জেলার ——— থানার মৌজাওয়ারি রেজিষ্টর।

[*See* sections 14 and 15 of the Act.]

১। তরতিব নম্বর।	1. Serial number.
২। মৌজার নাম।	2. Name of mouzah.
৩। মোট পরিমাণ (একরেতে) জরিপী বা অন্য কোন যথার্থ মাপের দ্বারা স্থিরীকৃত হইয়াছে এবং ঐ মোট পরিমাণ লিখিবার ক্ষমতার বিবরণ।	3. Total area in acres, if ascertained by survey or other authentic measurement, and specification of authority for the entry of area.
৪। প্রত্যেক ইষ্টেট বা নিষ্কর সম্পত্তির বিশেষ বিবরণ যাহাতে মৌজার যে কোন জমী সংলগ্ন আছে।	4. Particulars of every estate or revenue-free property to which any lands of the mouzah appertain.
ইষ্টেট্ বা নিষ্কর সম্পত্তির নাম।	(*a*) Name of estate or revenue-free property.
সাধারণ রেজিষ্টরী নম্বর।	(*b*) Number in general register.
প্রত্যেক ইষ্টেট বা নিষ্কর সম্পত্তিভুক্ত জমীর পরিমাণ (একরেতে) যদি ঐ পরিমাণ যথার্থরূপে স্থির হইয়া থাকে এবং হুকুমের বিবরণ।	(*c*) Area in acres in each estate or revenue-free property, if authentically ascertained, and specification of authority.
প্রত্যেক ইষ্টেট বা নিষ্কর সম্পত্তিভুক্ত জমীর মোট খাজানা, যদ্যপি ঐ খাজানা কালেক্টর সাহেবের দ্বারা বা অন্য কোন যথার্থ উপায়ে স্থির হইয়া থাকে এবং তাহা লিখিবার ক্ষমতার প্রমাণ।	(*d*) Gross rental of land in each estate or revenue-free property, if such rental has been ascertained by the Collector or by other authentic means, and specification of authority for the entry.
৫। মধ্যবর্ত্তী রেজিষ্টরির লিখন উল্লেখ।	5. Reference to entries made in the intermediate register.

Sub-heads.

Register, D, of Intermediate Mutations (Part I)

of lands shown in the general register of revenue-paying lands, Parts I and II, and of revenue-paying lands in the mouzahwar register.

সাধারণ রেজিষ্টার ১।২ ভাগ ও মৌজা-ওয়ার রেজিষ্টরি এই উভয় রেজিষ্টরি ভুক্ত মালগুজারি জমীর মধ্যবর্ত্তী দাখিল খারিজের রেজিষ্টরি ১ প্রথম ভাগ।

[*See* sections 17 and 18 of the Act.]

১। ইষ্টেটের নাম।	1. Name of estate.
২। সাধারণ রেজিষ্টরির নম্বর।	2. Number in general register of revenue-paying lands.
৩। যে থানার অন্তর্গত জমী তাহার নাম ও মৌজাওয়ার রেজিষ্টরির নম্বর।	3. Name of thana in which situated, and number in mouzahwar register.
৪। তৌজির নম্বর ও সদর জমা।	4. Number on revenue-roll and Government revenue.
নম্বর।	Sub-heads. (*a*) Number.
জমা।	(*b*) Revenue.
৫। ঐ ইষ্টেটের মালিকানের মেনেজরের এবং বন্ধক রাখনিয়ার নামএবং প্রত্যেকের স্বত্বের বিবরণ ও সীমা।	5. Names of proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee.
৬। দাখিল খারিজের সন তারিখ এবং হুকুমের বিবরণ।	6. Date and details of mutation allowed, and specification of the authority under which it is made.
৭। মধ্যবর্ত্তী রেজিষ্টরের লিখনের উল্লেখ।	7. Reference to previous entries made in the intermediate register.

Register, D, of Intermediate Mutations (Part II)

of lands shown in the general register of revenue-free lands, Parts I, II, and III, and of revenue-free lands in the Mouzahwar register.

সাধারণ রেজিষ্টরী ২।২।৩। ভাগ ও মৌজাওয়ার রেজিষ্টরী এই উভয় রেজিষ্টরিভুক্ত লাখেরাজ জমীর মধ্যবর্ত্তী দাখিল খারিজ রেজিষ্টরির ২ দ্বিতীয় ভাগ।

[*See* section 19 of the Act.]

১। লাখেরাজ জমীর নাম ও স্বত্বভোগের বিবরণ।	1. Name of revenue-free property, with character of the tenure.
২। সাধারণ রেজিষ্টরির নিষ্কর জমীর নম্বর।	2. Number in general register of revenue-free lands.
৩। যে থানার অন্তর্গত জমী তাহার নাম ও মৌজাওয়ার রেজিষ্টরির নম্বর।	3. Name of thana in which situated and number in mouzahwar register.
৪। মালিকানের এবং মেনেজরের নাম এবং প্রত্যেকের স্বত্বের বিবরণ ও সীমা।	4. Name of the proprietor and manager, with character and extent of the interest of each proprietor or manager.
৫। দাখিল খারিজের সন তারিখ ও বিবরণ এবং দাখিল খারিজের হুকুমেরও বিবরণ।	5. Date and details of mutations allowed and specification of the authority under which it is made.
৬। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	6. Reference to previous entries made in the intermediate register.

Board's Register D. revised in 1894.

Name of estate—Bazidpur Bowra. Number in Tauzi 71.

Page Number. Name of pargana—Basotra. Number in Government Register A. 1025.

Name of thana—Pupri. Number in Mauzawar Register 21.

1	2	3	4								5		
Entry serial.	Name of proprietor.	Character of interest, whether proprietor, manager, or mortgagee.	Specification of shares.								Separate Account, if any.		
			A.	G	C	Kt.	D.	R	P.	K.	Tauzi sub-number.	Separate account case in Register 12. Number.	Year.
1	~~Mosammat Bhola Kunar & Dhanna Kunar.~~	~~Proprietor.~~	~~4~~	...	...	...	...	...	...	...	~~1~~	~~321~~	~~1893-94~~
2	Shumeshar Jha	Ditto	2	.		...			.	.	1	321	1893-94
3	Jageshar Jha ...	Ditto	2		.		..			.	1	321	1893-94
4	Bhagwut Misr, Chhatai Dhari Misr and Tillak Dhari Misr.	Ditto	5	6	1	1		3	11	1 [illegible]	.	...	...
5	~~Babua Jha and Phekishil Jha.~~	~~Ditto~~	~~2~~	~~13~~	~~2~~	~~1~~	~~2~~	~~16~~	~~4~~	~~14 [illegible]~~	...	...	...
6	Dhanna Kunar ..	Ditto	2	...	..		.			...	1		...
7	Dhunraj Singh ...	Ditto	2	.		..	..	..	..	.	1	...	..
8	Dhunraj Singh ..	Ditto	1	10		.	...	..	..		...	.	...
9	Babua Jha	Ditto	1	3	2	1	2	16	4	14 [illegible]		...	

EXPLANATION OF ENTRIES —

Serials 1 to 5 are collected from old Registers A and D.
Serials 6 and 7 are successors by inheritance of the share of serial 1.
The separate account (1) continues in force unchanged by the sale of share of serial 1.
Dhunraj Singh holding part of a separate account share and part of the residuary account share is shown twice for convenience.

INSTRUCTIONS.

The intention of this new form of register is to enable any one to see at a glance who are the existing registered proprietors of an estate. All entries relating to the same mahal will be made in the same page or pages.

The proprietors' names, their interests, their shares and addresses will be collected from the existing Registers A. and D. and posted in columns 2, 3, 4 and 8. The total of the shares should be always exactly sixteen annas, and this total should be frequently verified and struck in pencil only.

When a mutation is directed it will necessarily take the form of an order to strike out certain names and to enter certain other names (See Board's New Miscellaneous Form 220 A). The names of persons to be struck out and their shares will be neatly scored through in red ink. The new names will be entered below the last entry in the page. If a proprietor loses only a part of his share his name will nevertheless be scored out. His name will then, however, re-appear among the new entries with his new share shown against it.

Col. 1.—All entries will be given consecutive serial numbers.

Col. 5.—The entry in these columns may give some trouble at first. The information will usually be obtainable from either the separate account register, or the Estate's Ledger, or by issuing notices calling for information from the proprietors. Care must be taken that the necessary information is obtained in all future mutation cases.

Col. 6.—When a new name is entered in substitution of a previous entry, the number and year of the case under which the order for mutation is passed will be entered here. It is unnecessary to make an entry here when a proprietor's name is merely scored out. Such double entries will only lead to confusion.

Col. 7.—When a new name is entered write substituted for serial ... . "Inheritance" or "sale" or "gift," &c., as the case may be. Usually one or more separate pages will have to be given for every village of a mahal where it is situated in two or more villages, if the proprietors own different shares in the several villages. Where this is done, the village affected by the mutation is the village whose number in the Mauzawar register is entered at the head of the page, and this entry need not be repeated in this column. A separate page or pages must be kept for each mahal, and if necessary for each village in the mahal. Blank space must be reserved to admit of as many new entries as are likely to be made in ten years according to the estimate for each mahal.

"11. Annual revenue of the estate, if revenue-paying; if revenue-free, its annual rent." 9-1-95.

FORM E.

Application for Registration and Mutation of Names in respect of Revenue-paying and Revenue-free properties.

ভূমি রেজিষ্টরী করণবিষয়ক ১৮৭৬ সালের আইন।

নাম দাখিল খারিজ ও রেজিষ্টরী করিবার দরখাস্ত।

১। দরখাস্তকারির নাম ও সাকিন।	1. Name of applicant* and residence.
রাজস্বদায়ী ভূমির জন্য হইলে মহালের নাম ও রেজিষ্টরির নম্বর ও মালকাছারী।	*If for revenue-paying lands* 2. Name of estate† and number in register and zemindari cutcherry.
৩। নিষ্কর ভূমির জন্য হইলে সম্পত্তির নাম ও রেজিষ্টরির নম্বর।	*If for revenue-free lands* 3. Name of property and number in register.
৪। এক্ষণে রেজিষ্টরিতে যে মালিকের নাম আছে তাহার নাম।	4. Name of proprietor at present shown in the register.
৫। দরখাস্তকারির স্বত্বের ভাব অর্থাৎ খরিদের দ্বারা, উত্তরাধিকারিত্বের দ্বারা, দান দ্বারা, অথবা অন্য প্রকারে এবং ভূম্যধিকারী, ভারপ্রাপ্ত সাধারণ ভূম্যধিকারী, কর্ম্মাধ্যক্ষ অথবা বন্ধকগ্রহীতা।	5. Character of applicant's interest, whether by purchase, inheritance, gift or otherwise, and whether proprietor, joint-proprietor in charge, manager or mortgagee.
৬। দরখাস্তকারির স্বার্থের পরিমাণ।	6. Extent of applicant's interest.
৭। যদি দরখাস্তকারী ভারপ্রাপ্ত সাধারণ ভূম্যধিকারী বা কর্ম্মাধ্যক্ষ হয়, তবে যাহাদের সপক্ষে ভারগ্রহণ বা কর্ম্ম নির্ব্বাহ করে তাহাদের নাম।	*If applicant is joint-proprietor in charge, or manager* 7. Names of persons on behalf of whom he is in such charge, or is manager.
৮। ঐরূপ ব্যক্তিদের স্বার্থের পরিমাণ।	8. Extent of such person's interest.
৯। মহাল বা সম্পত্তি যে২ মৌজায় থাকে তাহার নাম ও প্রত্যেক মৌজার যত জমিন তাহার পরিমাণ ও ঐ২ মৌজা যে২ থানার অন্তর্গত তাহার নাম।	9. Names of mouzahs in which the estate or property is situated, and area lying in each mouzah, and the names of thanas in which such mouzahs are situated.
১০। দরখাস্তকারির দখলের তারিখ।	10. Date of applicant's coming into possession.
১১। মহালের অবধারিত রাজস্ব।	11. ~~Government revenue of the estate.~~
১২। যদি কোন জীবিত ব্যক্তির নিকট খরিদাদিসূত্রে মহাল প্রাপ্ত হইয়া থাকা হয় তবে ঐ ব্যক্তির নাম ও ধাম।	12. If the estate has been obtained by virtue of purchase from a living person, then the name and residence of that person.
১৩। দরখাস্তকারী অন্য যে সকল বিবরণ লিখিতে চাহে তাহা।	13. Any other particulars which applicant desires to mention.

* A separate application must be filed by each person interested.
† Revenue payable per annum.

Form F.

Notice under section 48.

বেঙ্গল কৌন্সলের ভুমি রেজিস্টরি করণ বিষয়ক ১৮৭৬ সালের ৭ আইনের ৪৮ ধারানুসারে নোটিস।

যেহেতুক গ্রাম নিবাসী শ্রী

কালেক্টরির

রেজিষ্টরির নম্বর

মহালে } পরিমাণ
নিকর সম্পত্তিতে } স্বরূপে

আপন নাম রেজিষ্টরি করিবার জন্য প্রার্থনা করিয়াছে অতএব এই বিজ্ঞাপন দেওয়া যাইতেছে যে কেহ

নাম রেজিষ্টরি বিষয়ে আপত্তি করে অথবা যে কেহ

দাবীকৃত উপরোক্ত স্বার্থের ভাব বা পরিমাণ প্রতিবাদ করে তাহারা আপত্ত্যাদির বর্ণনাপত্র লিখিয়া দাখিল করিবে ও কালেক্টরের কাছারিতে . সালের মাসের তারিখে সময়ে উপস্থিত হইবে তৎকালে অনুসন্ধান হইয়া আবশ্যকীয় হুকুম প্রচার হইবে। ইতি সন ১৮৮ সাল তারিখ।

* এই স্থানে স্বার্থের ভাব লিখিতে হইবে অর্থাৎ ভুম্যধিকারী, ভারপ্রাপ্ত সাধারণ ভুম্যধিকারী, কর্ম্মাধ্যক্ষ, বা বন্ধক গ্রহীতা।

Whereas , resident at , has applied for the registration of his name as

[here should be entered character of interest, whether proprietor, joint-proprietor in charge, manager, or mortgagee to the extent of]

in the { estate of . / revenue-free / property of } numbered

in the register of the Collectorate

Notice is hereby given that ALL PERSONS who object to the registration of the name of , or who dispute the character or extent of the interest claimed by the said , as above specified, must give in a written statement of their objections and appear before the Collector of at his office at on the day of , when enquiry will be made and the necessary orders will be passed.

Form F.

Notice under section 48 of the Act, for joint estates.

বেঙ্গল কৌন্সলের ভূমি রেজিষ্টরী করণ বিষয়ক ১৮৭৬ সালের ৭ আইনের ৪৮ ধারানুসারে নোটিস।

যেহেতুক নিম্নলিখিত ব্যক্তিগণ
কালেক্টরির
রেজিষ্টরির নম্বর
মহালে } নিম্নলিখিত
নিষ্কর সম্পত্তিতে } পরিমাণ
ও স্বত্বসম্বন্ধে
আপন২ নাম রেজিষ্টরি করিবার জন্য প্রার্থনা করিয়াছে অতএব এই বিজ্ঞাপন দেওয়া যাইতেছে যে কেহ তফসীলের লিখিত ব্যক্তিগণের নাম রেজিষ্টরি বিষয়ে আপত্তি করে অথবা যে কেহ তাহাদের দাবীকৃত স্বার্থের ভাব বা পরিমাণ প্রতিবাদ করে তাহারা আপত্ত্যাদির বর্ণনাপত্র লিখিয়া দাখিল করিবে ও
কালেক্টরের কাছারিতে ১৮৮ সালের
মাসের তারিখে মোতাবেক
১২ সালের মাসের
তারিখে
ঘণ্টার সময়ে উপস্থিত হইবে তৎকালে অনুসন্ধান হইয়া আবশ্যকীয় হুকুম প্রচার হইবে ইতি সন ১৮৮ সাল তারিখ

তফসীল।

দরখাস্তকারির নাম ও ধাম।	দাবীকৃত স্বত্বের পরিচয়*।	দাবীকৃত অংশ বা স্বত্বের ভাব*।

* এই স্থানে স্বার্থের ভাব লিখিতে হইবে অর্থাৎ ভূম্যধিকারী, ভারপ্রাপ্ত সাধারণ ভূম্যধিকারী, কর্ম্মাধ্যক্ষ বা গ্রহীতা।

WHEREAS
resident at
has applied for the registration of his name as
to the extent of
in the
{ Estate of / Revenue-free property of }
numbered
in the
register of the
Collectorate.

Notice is hereby given that ALL PERSONS who object to the registration of the name of
, or who dispute the character or extent of the interest claimed by the said
as above specified, must give in a written statement of their objections and appear before the Collector of
, at his office at
on the
day of
when enquiry will be made and the necessary orders will be passed.

FORM G.

Decree for registration under the Act in regard to estate—(or revenue-free property) *No.* *in General Register A (or B), Part*

1. Name of applicant.
2. Specification of interest.
3. Grounds on which application is made.
4. Name of objector, if any, and objections made by him.
5. Decision, and reasons for it.
6. Order of decree.

FORM G.

(Specially prescribed for Orissa and the district of Chittagong.)

Decree for registration under Act VII (B.C.) of 1876 *in regard to Estate (or) revenue-free property) No.* *in General Register A (or B) Part*

[The extent of interest in this Estate (*i.e.*, number of annas), for the registration of which decrees have already been given, is adding to which, the extent shown in column 7 of this Statement, the total is

1. If revenue-paying estate, its name, number in the revenue-roll, and Government revenue. If revenue-free property, its name, number in the special or general register, nature of tenure, whether jagir, altamgah, &c., and area.
2. If revenue-paying estate, name of pergunnah and thana; and if revenue-free property, name of mouzah, mehal, pergunnah, and thana in which situate.
3. Name, father's name, and residence of applicant.
4. Specification of character and extent of interest claimed by the applicant.
5. Grounds on which application is made.
6. Name of objector and nature of objection.

Sub-heads.
- *a.*—Name of objector.
- *b.*—Character and extent of interest claimed by objector.
- *c.*—The extent of interest in the entire Estate to which objector's claim conflicts with that of the applicant.
- *d.*—Nature of objection.

7. Extent of interest decreed to each person whose interest is admitted to registration.
8. Decision and grounds of it.

REGISTER 4—MUTATION CASES.

খারিজ দাখিলের মোকদ্দমার রেজিষ্টরী বহী।

১। নম্বর।
২। সাযেলের নাম অর্থাৎ যাহার নাম দাখিল হইবেক।
৩। যাহার নাম খারিজ হইবেক।
৪। মোকাবেলের নাম।
৫। মহলের নাম এবং যদি কোন মহলের অংশের নিমিত্ত হয় তবে ঐ অংশের বিবরণ।
৬। মহলের সদর রাজস্ব।
৭। রুজুর তারিখ।
৮। যে হাকিমের নিকট মোকদ্দমা বিচার জন্য সোপর্দ্দ হয় ও সোপর্দ্দের তারিখ।
৯। নিষ্পত্তের তারিখ।
১০। হুকুমের খোলাসা।
১১। আপীল হইলে আপীল মহকুমার হুকুমের খোলাসা ও তারিখ।
১২। ৫৫ ধারামতে দেওয়ানী আদালতে পাঠান হইয়া থাকিলে আদালতের হুকুমের মর্ম্ম ও তারিখ।
১৩। রেজিষ্টরী ফিসের পরিমাণ।
১৪। রেজিষ্টরির ফিস দাখিলের তারিখ।
১৫। টৈকিয়ৎ।

1. Number.
2. Name of petitioner whose name is to be registered.
3. Party whose name is to be removed from the register.
4. Party opposing the registry.
5. Name of the estate, and if fractional portion of an estate, specification of the share.
6. Revenue of the estate.
7. Date of institution.
8. Officer to whom the case is referred for trial, and date of reference.
9. Date of decision.
10. Substance of order.
11. Purport and date of the order on appeal, if preferred.
12. Purport and date of order of Civil Court on reference (if referred) under section 55.
13. Amount of registration fee.
14. Date of payment of registration fee.
15. REMARKS.

REGISTER 12

of Separate Accounts under sections 10 *and* 11 *of Act XI of* 1859 *and section* 70 *of Act VII* (*B.C.*) *of* 1876.

1. Serial number.
2. Name of applicant and date of application.
3. Section and Act under which application is made.
4. Estate concerned—
   (*a*). Name and thana.
   (*b*). Number on the roll.
   (*c*). Government revenue.
5. Specification of share mentioned in the application—
   (*a*). Name of mouzah.
   (*b*). Share and area, if specified.
   (*c*). Government revenue.
6. Date and purport of Collector's order.
7. Amount of fees realised.
8. Date of realisation.
9. Signature of Treasurer.
10. Remarks.

REGISTRATION OF MALIKÀNA INTERESTS UNDER THE ACT.

IN January 1877 the Commissioner of Patna submitted a proposal, emanating from the Collector of Mozufferpore, for a separate register for malikana cases, with the view of avoiding the confusion that might arise if malikana cases were entered in the Registers A and D, indiscriminately with other proprietory interests. Correspondence took place, some of which it is desirable to reproduce as showing the intentions of the Board—

(*i*) *Board's No.* 310*A*, *dated* 2*nd April* 1877, *to the Commissioner of Patna.*

WITH reference to my predecessor's letter No. 104A, dated 13th ultimo, I am to observe that the Board have now some doubt whether the separate registry of malikana interests in Behar under Act VII (B.C.) of 1876 is altogether legal. The recipients of malikana are in possession of a proprietory interest, and their interests should, strictly speaking, be recorded in Part I of the General Register A. It does not appear why there should be confusion from recording that interest any more than from recording any other.

2. If, however, there is for the sake of convenience to be a separate register, it must be looked upon as a portion of Register A, Part I, and a reference must be put opposite the entry of each estate subject to malikana in the ordinary register A, directing attention to the entry in the malikana portion of Register A. A separate malikana intermediate Register (D) should be kept up also.

3. The form submitted with your letter No. 1214R, dated 6th ultimo, is the form at present in use, and is merely a register of mutation cases. I am to request that you will prepare and submit for approval forms for a separate registry of malikana interests as much like Registers A and D as possible, forming in fact separate sections of those registers.

[The forms now in use were approved in Board's No. 763A, dated 18th July 1877, to the Commissioner of Patna, and No. 321A, dated 22nd August 1877, to the Commissioner of Bhagulpore.]

(*ii*) *Board's No.* 537*A*, *dated* 16*th June* 1879, *to the Commissioner of Patna.*

REFERRING to your letter No. 39R, dated 9th April 1879, and previous correspondence on the subject of the registration of malikana interests under Act VII (B.C.) of 1876, I am desired to say that the Board see no reason to question the propriety of the orders already issued in their letter No. 310A, dated 2nd April 1877. The chief difficulty seems to have arisen from the loose and too general application of the terms "Malikana" and "Malikanadars," which now appears to prevail in Behar.

2. Strictly speaking, the term "Malikanadars," or recipients of malikana, includes those only who possess a distinct and unalienable right of proprietorship, such as in fact constitutes an interest in land, and those persons only who are in receipt of a fixed percentage on farm rents or khas collections, should have their interests recorded in Part I of the General Register A.

3. The so-called malikanadars whose estates have been already permanently settled with others, or who have in any way lost all right of re-entry, should not be admitted to registration in Register A, their proprietory rights being considered as lapsed.

4. Similarly the malikanadars who hold certain lands rent free, and do not receive a money allowance, should not be registered. If they have lost all right of re-entry, they only hold these lands as the lakrajdars of a tenure included in the estate, and no longer as proprietors. Their interests should be recorded, if at all, in Register B, Part I.

(*iii*) *Board's No.* 575*A*, *dated* 31*st August* 1881, *to the Commissioner of Patna.*

I AM directed to acknowledge the receipt of your letter No. 1009R, dated 25th ultimo, requesting a further expression of the Board's opinion as regards malikana interest, with special reference to paragraph 2 of their letter No. 537A, dated 16th June 1879.

2. In reply, I am directed to invite your attention to note 2 of page 51 of Field's Regulations, in which malikana is described as "the unalienable right of proprietorship." The meaning intended to be conveyed by this expression, which was reproduced in the Board's letter dated 16th June 1879, was that malikana and proprietorship were inseparable from one another. It was not meant that they were unalienable in the sense of not being transferable, but that if they were transferred, they must be transferred together. A proprietor cannot sell his estate with the reservation to himself of the right to receive malikana.

MALIKANA FORM A.

Register of the names of Maliks receiving malikana in cash.

1. Serial number.
2. Pergunnah.
3. Names of estates.
4. Number of the estate as entered in the ordinary Register A.
5. Date on which the settlement was sanctioned.
6. Name and residence of the maliks entitled to malikana.
7. Extent of interest of each malik.
8. Amount of annual malikana or quota payable to each malik.
9. Date of issue of certificate.
10. Remarks.

MALIKANA FORM D.

Register of Mutations regarding Malikana from to

1. Serial number.
2. Number in malikana register.
3. Pergunnah.
4. Estate.
5. Village.
6. Asli.
7. Dakhili.
8. Total.
9. Amount of malikana.
10. Former malik.
11. Name of the present malik.
12. Nature of transfer.
13. Remarks.

Return IV

of Intermediate Registrations under Act VII (B.C.) of 1876 *for the year ending* 31*st March* 188 .

N. B.—Pending cases shown in column 6 must be explained in the explanation sheet.

1	2	3			4	5	6			7	8
		Number of applications under section 42 filed during the year.					Number of cases pending.				
Total number of interests registered under initial registration (section 38). This number should be the same in each return.	Number of applications for intermediate registration (section 42) pending from previous year.	(*a*) On account of succession by inheritance, whether under will or otherwise.	(*b*) On account of succession by purchase, gift, or otherwise.	(*c*) Total.	Total for disposal.	Total number of cases disposed of during the year.	(*a*) More than six months.	(*b*) Less than six months.	(*c*) Total.	Percentage of column 3(*c*) on column 1.	Remarks.
Total ...											

Note.—The object of the percentages in column 7 of this return is to enable the revenue authorities to see at a glance the comparative number of intermediate mutations in different districts.

District , }
The 188 . }

Collector.

The 190 . *Collector.*

DISTRICT _____

No. IV.—Return of Intermediate Registrations under Act VII (B.C.) of 1876 for the year ending 31st March 189 .

N.B.—Pending cases shown in column 7 must be explained in the explanation sheet.

1	2	3	4			5	6	7			8	9	10	11
Total number of interests registered under initial registration (section 38). This number should be the same in each return.	Total number of interests registered under section 42 up to the end of last year since completion of Land Registration proceedings.	Number of applications for intermediate registration (section 42) pending from previous year.	NUMBER OF APPLICATIONS UNDER SECTION 42 FILED DURING THE YEAR.			Total for disposal.	Total number of cases disposed of during the year.	NUMBER OF CASES PENDING.			Number of interests registered in the cases entered in column 6.	Percentage of column 8 on column 2.	Percentage of column 6 on column 5.	REMARKS.
			(*a*) On account of succession by inheritance, whether under will or otherwise.	(*b*) On account of succession by purchase, gift or otherwise.	(*c*) Total.			(*a*) More than six months.	(*b*) Less than six months.	(*c*) Total.				
TOTAL ...														

DISTRICT

The _____ *189* .

Collector.

7-2-98.

The 190 .

Collector.

DISTRICT _____

No. IV.—Return of Intermediate Registrations under Act VII (B.C.) of 1876 for the year ending 31st March 189 .

N.B.—Pending cases shown in column 11 must be explained in the explanation sheet.

District.	Total number of interests registered under initial registration (section 38). This number should be the same in each return.	Total number of interests registered under section 42 up to the end of last year since completion of land registration proceedings.	Total of columns 2 and 3.	Number of applications for intermediate registration (section 42) pending from previous year.	Number of applications under section 42 filed during the year.			Total for disposal.	Total number of cases disposed of during the year.	Number of cases pending.			Number of interests registered in the cases entered in column 10.	Percentage of column 14 on column 4.	Percentage of column 10 on column 9.	Remarks.
					(*a*) On account of succession by inheritance, whether under will or otherwise.	(*b*) On account of succession by purchase, gift or otherwise.	(*c*) Total.			(*a*) More than six months.	(*b*) Less than six months.	(*c*) Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Total ...																

DISTRICT _____

The _____ *189* .

Collector.

2-9-98.

N. C. R.—Reg. No. 3700 I—56—5-10 98.

The 190 .

Collector.

Column 11.—Applications pending for more than six months should be explained in the explanation sheet. 6-3-1902.

THE following revised form of Return IV of intermediate registrations under Act VII (B.C.) of 1876, is to be substituted for that given in page 72 of the Land Registration Manual, 1889.

No. IV.—Return of Intermediate Registrations under Act VII (B.C.) of 1876 for the year ending 31st March 190 .

Total number of interests registered at the beginning of the year.	APPLICATIONS—			Percentage of applications granted during the year on column 1.	Number of old interests removed.	Number of new interests entered.	Total number of interests at the close of the year.	Total number of applications for disposal.	Total number of cases disposed of during the year.	APPLICATIONS PENDING—			REMARKS.
	Pending from last year.	Made during the year.	Granted during the year.							More than six months.	Less than six months.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

DISTRICT _____

Collector.

2-9-98.

N. C. R.—Reg. No. 3700 I—56—5-10 98.

The 190 .

Collector.

Instructions.

Column 1.—The number of interests will correspond with the number of shares in column 1 of Register D, without reference to the individuals owning each share.

Columns 2 to 4.—The number of applications in column 2 will be taken from Register 4, page 69, Land Registration Manual.

Column 5—Gives the percentage of successful applications on column 1.

Columns 6 and 7.—The easiest way to secure correct figures for these two columns will be to keep up a khatian in the following form to be posted by the muharrir who corrects Register D :—

Serial number of case in Register 4.	Mahal Tauzi number.	How many interests cancelled.	How many interests entered.
1	2	3	4

Column 11.—Applications pending for more than six months should be explained in the explanation sheet. 6-3-1902.

Notice under Section 30(d) of the Land Registration Act, 1876.

Whereas it appears from the report submitted by the Record-keeper of this Collectorate in connection with an application from , of , pargana , praying for the registration of his name as proprietor in respect of a $\frac{\text{share of mahal}}{\text{share of mauzas}}$, tauzi No. $\frac{\text{in mahal}}{\text{, tauzi No.}}$ in $\frac{\text{total}}{\text{partial}}$ substitution of the name of the present recorded proprietor of , pargana , that the names of some of the co-sharers are recorded in fractions of the entire estate and of others in fractions of mauzas constituted in the estate, and whereas under the circumstances it cannot be stated that the total of all the interests recorded in respect of the estate or each mauza in the estate comes to exactly 16 annas, and it is therefore necessary that the registration should be corrected so as to get the interest of each of the different co-sharers recorded in the same manner, either in fractions of the entire estate or of each of the mauzas constituting the estate, notice is given to you under clause (*d*) of section 30 of Act VII (B.C.) of 1876 that you will, in person or by a mukhtiar, appear in this court on the at 11 A.M., on which date all the other co-sharers have been likewise directed to appear, and exactly declare the nature and extent of your interest in the estate or mauza; otherwise a fine will be imposed on you under section 31 of the said Act.

Collector.

17-9-96.

Notice under section 30 of the Land Registration Act, 1876.

বেঙ্গল কৌন্‌সলের ভূমি রেজিষ্টরি করণবিষয়ক ১৮৭৬ সালের ৭ আইনের ৩০ ধারানুসারে নোটিস।

শ্রী প্রতিআগে

যেহেতু তুমি জিলা কালেক্টরির

নম্বর মহালের

এক জন মালিক বলিয়া আপন নাম জারী হওয়ার দরখাস্ত করিয়াছ কিন্তু কোন প্রমাণ উপস্থিত করে নাই। অতএব তোমাকে নোটিস দেওয়া যাইতেছে যে, তুমি স্বয়ং অথবা মোখ্তার দ্বারা তারিখে ১১ ঘণ্টার সময় কালেক্টরির কাছারিতে. তোমার দরখাস্তের যাহা প্রমান থাকে, তাহা উপস্থিত করিবা এবং মহালের ষোল আনার মালিক কে২ তাহাও প্রকাশ করিবা নচেৎ উপরোক্ত আইনের ৩১ ধারার বিধানমতে তোমার জরিমানা হইবে। ইতি সন ১৮৮ সাল তারিখ

WHEREAS you have applied for the registration of your name as a proprietor of mehal of the district of , but have not produced any evidence, notice is therefore given to you under section 30 of Act VII (B.C.)of 1876, that you will, in person, or by a mukhtar, produce whatever proof there is in support of the application in the Collector's office at at 11 A.M., and declare who are the proprietors of the 16 annas of the mehal, otherwise a fine will be imposed on you under section 31 of the said Act.

Form of Rubakari for issuing notices under the Land Registration Act, 1876.

ভূমির রেজিষ্টরী করণ বিষয়ক ১৮৭৬ সালের আইন।

[See section 49.]

কবরকারী কাছারী কালেক্টরী জিলা। সন ১৮৮ সাল তারিখ

এজলাস শ্রীযুত

দরখাস্তকারী

বিষয়।

নাম পত্তন।

উক্ত মোকদ্দমায় বঙ্গীয় ১৮৭৬ সালের ৭ আইনের ৪৯ ধারা অনুসারে যে সকল নোটিস প্রস্তুত হইয়াছে তাহা পার্শ্বলিখিত স্থানে জারী করা কর্ত্তব্য হইয়া

হুকুম

এই রুবকারির প্রতিলিপিযোগে এক খণ্ড নোটিস শ্রীযুত

নিকট এই মানসে পাঠান যায় যে উক্ত নোটিস বিচারের অবধারিত দিন ১৮৮ সালের তারিখের অন্ততঃ এক মাস পূর্ব্বে স্বীয় কাছারির প্রকাশ্য স্থানে জারী করাইয়া তৎসংবাদ প্রেরণে বাধিত করেন ইতি।

Collector's office, district date year 188 .

IN the Court of

Applicant

SUBJECT.

Registration of name.

IT being required to serve the notices prepared in the above case under section 49 of Act VII (B.C.) of 1876 on the marginally noted places—

ORDERED—

That with a copy of this proceeding one copy of the notice be sent to with this object that he will oblige by causing the same to be served on a conspicuous place of his court at least one month before 188 , the date fixed for decision, and by sending information thereof.

Form of Rubakari to Civil Courts to publish Ishtahar.

[See Section 49.]

نمبر رجسٹر داخل خارج
بنام سنہ ۱۸ ع
و سنہ ۱۲ فصلي
روبکاري کچہري کلکٹري ضلع
واقع تاريخ ماہ سنہ ۱۸ ع
مطابق ماہ سنہ ۱۲ فصلي
اجلاس
سائل
مقدمہ اندراج نام سائل
نام سائل بہ نسبت
صوازي موضع متعلقہ
محال پرگنہ مندرجہ
نمبر توزيع کہ جسکا جمع صدر
مبلغ ہے بموجب
ازانجا کہ جاري ہونا اشتہار نامجات
ميعادي واسطے احضار عذرداران مناسب
منظور ہے اسواسطے

حکم ہوا کہ قطعہ
اشتہارنامہ بذريعہ پروانہ واسطے آويزاني
بمقامات منصرحہ پروانہ و گذارنے ريڈرن
تعميلي کي حوالہ ناظر کياجاے و يکيک
پرت اشتہارنامہ شامل نقل روبکار ہذا
بعدالت صاحب جج بہادر و منصف
مقام بترصد آويزاني بنظر عام
محکمہ خود ها و لطف فرماني تعميلي
آسکي بھيجا جاے و در پرت اشتہارنامہ
بمحکمہ
اس اُميد سے بھيجا جاے کہ ايک پرت
اشتہارنامہ بمنظر عام بہ محکمہ خود و
پرت ثاني بہ اسٹيشن پوليس متعلقہ
موضع آويزان فرماکر تعميلي اُسکي
بھيجديوين ۔

No. Mutation register in the name of year 18 A.D. and year 12 Fusli.

Rubakari of the Collectorate cutchery, of zillah dated the month year 18 A.D. corresponding with month year 12 Fusli in the Court of applicant.

Case for the registration of name of applicant regarding an area of in mouzah appertaining to mehay pergunnah entered in No towjih, whose sudder jumma is rupees according to

WHEREAS it appears proper that notifications for a specified period should issue for the appearance of the objectors, it is therefore

Ordered that

a copy of the notification be made over to the nazir with a purwanah to affix (the notification) at the places mentioned in the purwanah and to file the return of service (of the notification) and a copy of the notification together with a copy of this rubakari be sent to each of the Courts of the Judge and the Munsiff of , with a request to affix it at conspicuous places in their court houses and for the favour of reporting the execution of their service, and that two copies of the notifications be sent to the sub-division of with the request that he will direct one copy to be affixed to his own Court house at a conspicuous place, and another copy to be put up at the police-station within which the mouzah is situated and to report their service.

Summons to witnesses

(under section 53.)

মোকদ্দমার নম্বর

সমন

সাকিন চৌকি

বাদী সাকিন চৌকি

প্রতিবাদী

কাছারি কালেক্টরি বনাম

সাকিন চৌকি . সাক্ষী

No. of the case

SUMMONS.

Plaintiff of chowki

Defendant of chowki.

Collector's office, } To
District } of chowki.

Witness.

জেলা. জানা কর্ত্তব্য যেহেতু তোমাকে উক্ত মোকদ্দমাতে আপন পক্ষে সাক্ষী মানিয়াছে অতএব ১৮৭৬ সালের ৭ আইনের ৫৩ ধারার মর্ম্মানুসারে এই সমন দ্বারা তোমাকে তাগিদ হুকুম হইতেছে যে তুমি ১৮৮ সালের তারিখ মেতাবেক বাঙ্গালা ১২ সালের তারিখে বেলা ১০ ঘণ্টার সময় এই আদালতে হাজির হইয়া উক্ত মোকদ্দমায় সাক্ষ্য দেও (এবং কিম্বা) নীচের লিখিত দস্তাবেজাৎ দাখিল কর এবং ঐ রূপে ঐ দিবস হইতে বিদায় না পাওয়া পর্য্যন্ত প্রতি দিবস হাজির থাক যদি হাজির না হও তবে তোমার প্রতি মোতাবেক আইন কার্য্য করা যাইবেক তোমার খোরাকী ও পথ খরচ অর্থাৎ ফবলগে

এই সঙ্গে পাঠান গেল ইতি তারিখ

১৮৮ সাল

You should know that WHEREAS has cited you as a witness on his behalf in the above case, therefore you are urgently ordered under section 53 of Act VII (B.C.) of 1876, by this summons that having appeared at 10 A.M. on 18 corresponding to 12 you will give your evidence in the above case, (and, or) you will file the exhibits mentioned below and be present in the same way every day until you are discharged. If you do not attend action will be taken against you according to law. Your diet money and travelling expenses, *i.e.* Rs. in all, are herewith sent. The end. Date .year 188

The Land Registration Act of 1876.

Ishtahar to enforce the attendance of witnesses under section 168 *of Act XIV of* 1882.

ভূমি রেজিষ্টরি করণ বিষয়ক ১৮৭৬ সালের আইন।

ইং ১৮৮২ সালের ১৪ আইনের ১৬৮ ধারামতে সাক্ষী উপস্থিত হওনের ইস্তাহার।

[See section 53 of Act VII (B.C.) of 1876.]

মোকদ্দমার নম্বর সন ১৮৮ ইং
জিলা বিচারালয়।
নিবাস
দরখাস্তকারী।
পরগনা
নিবাস
প্রতিপক্ষ।
পরগনা
মে. কদ্দমা
সাক্ষী শ্রী
নিবাস
পরগনা

যে হেতুক নাজিরের কৈফিয়ৎ দৃষ্টে প্রকাশ হয় যে আইনানুসারে সাক্ষীর প্রতি সমন জারী করণের যে উপায় অবধারিত আছে তদ্মতাচারণ করাতে ও উক্ত সাক্ষীর পর সমন জারী হইতে পারে নাই আর সাক্ষী মজকুরের সাক্ষ্য এ মোকদ্দমায় নিতান্ত প্রয়োজনীয় এবং সাক্ষী মজকুর সমন জারী হইতে না পারার অভিপ্রায়ে গোপনে থাকা প্রমাণ হইয়াছে অতএব ইংরাজি ১৮৮২ সনের ১৪ আইনের ১৬৪ ধারার মর্ম্মানুসারে এই ইস্তাহারের দ্বারা হুকুম দেওয়া যাইতেছে যে সাক্ষী মজকুর ইং ১৮৮ মোতাবেক বাঙ্গালা সন ১২ সালের বার দিবসে বেলা ১০ ঘণ্টার সময়ে এই আদালতে হাজির হইয়া এবং এইরূপ ঐ ২ দিবস হইতে বিদায় পাওন পর্য্যন্ত প্রতি দিবস হাজির থাকে যদি উক্ত দিবসে ঐ সময়ে হাজির না হয় তবে সাক্ষী মজকুরের প্রতি আইনানুসারে কার্য্য হইতে পারিবেক।

No. of the case 188 A.D.
Court district applicant
of
pergunnah
Opposite party of
pergunnah

Case
Witness of pergunnah.

Whereas it appears from the Nazir's report that notwithstanding the adoption of the procedure for the service of summons on the witness as laid down in the law, the summons could not be served on the said witness; and his evidence is very material in the case, and it has been proved that he is hiding himself to prevent the service of the summons; it is therefore ordered by this proclamation under section 168 of Act XIV of 1882 A.D. that the said witness be present in this Court on the 188 corresponding to 12 at 10 A.M. and be in attendance every day until he is discharged. If he does not appear at the above hour on the above date, then action will be taken against him according to law.

The Land Registration Act of 1876.

Warrant for the arrest of witness under section 174 *of Act XIV of* 1882.

ভূমি রেজিস্টরী করণ বিষয়ক ১৮৭৬ সালের আইন।

ইং ১৮৮২ সালের ১৪ আইনের ১৭৪ ধারামতে সাক্ষী গ্রেফ্তারী পরওয়ানা।

[*See* Section 53 of Act VII (B.C.) of 1876.]

মোকদ্দমার নম্বর সন ১৮৮
বিচারালয়।
জিলা
নাজির প্রতি আগে।
শ্রী
দরখাস্ত কারী।
নিবাস
প্রতিপক্ষ।
নিবাস

যেহেতুক জানা যাইতেছে পক্ষের নিম্নলিখিত সাক্ষীরা তাহাদের উপর রীতিমত সনন জারী হওয়াতেও নিরূপিত দিনে হাজির হয় নাই অতএব যে এতদ্দ্বারা তোমাকে আদেশ করা যাইতেছে ইং সন ১৮ দিবসের মধ্যে তাহাদিগকে ধৃত করিয়া এই আদালতে হাজির করাও ইহাতে ত্রুটি করিবানা ইতি সন ১৮৮ ইং তারিখ।

অনপস্থিত সাক্ষীর নাম।

No. of the case of 188
Court district
To
The Nazir
applicant of
Opposite party of

Whereas it appears that the following witnesses on behalf of have not appeared notwithstanding the proper service of summons on them, you are therefore hereby ordered that you will arrest and bring them up before this court within day of 18 . Herein fail not.

Date

Name of the witnesses who have not appeared.

Deposition of witness.

সাক্ষীর ইজাহার।

সন ১৮৮ সাল তারিখ
নং সাক্ষী উপস্থিত হইয়া
আইনমত প্রতিজ্ঞা পাঠ করিয়া কহিল
আমার নাম পিতার নাম
জাতি বয়স
বৎসর পেশা
সাকিন থানা

Date year 188 .

Witness No. having appeared stated on solemn affirmation—My name, father's name , caste , age years, profession , residence , thana

Form of Notice under Section 65.

নোটিস।

কাছারী কালেক্টরী জিলা
সন ১৮৮ সাল তারিখ

বঃশ্রী ——— সাং
নং

অধিকারির নাম পত্তন।

প্রকাশ যে উপরোক্ত সম্পত্তিতে আপনি অধিকারীস্বরূপ দখিলকার আছেন অতএব বঙ্গীয় ব্যবস্থাপক সমাজের ১৮৭৬ সালের ৭ আইনের ৬৫ ধারার বিধানমতে আপনাকে সংবাদ দেওয়া যাইতেছে যে আগামি ১৮৮ সালের তারিখের মোতাবেক ১২ সালের তারিখে অথবা এই নোটিস জারীর তারিখ হইতে এক মাসের মধ্যে আপনি আপনার নাম রেজিষ্টরী করিবেন নচেৎ আইনানুসারে দণ্ডনীয় হইবেন ইতি।

Notice.

Collector's Office, district
date year 188 .
To of
No.

Registration of name of proprietor.

It appears that you are in possession of the said property as proprietor. You are therefore informed, under section 65 of Act VII. (B.C.) of 1876, that you will register your name within 188 corresponding to 12 ; or within one month from the service of this notice, otherwise you will be punishable according to law.

Notice.

বিজ্ঞাপন।

[*See section* 77.]

বেঙ্গল কৌন্সলের সন ১৮৭৬ সালের ৭ আইনের ৭৭ ধারামতে সর্ব্বসাধারণকে জ্ঞাত করা যাইতেছে যে নিম্নলিখিত সকর বা নিষ্কর সম্পত্তির মালিক বা কার্য্যাধ্যক্ষগণের নাম ও উক্ত প্রকার সকর বা নিষ্কর সম্পত্তি সম্বন্ধে উহাদের যে স্বত্ব আছে তাহা অদ্যকার তারিখ হইতে নিম্নলিখিতমতে পরিবর্ত্তন হইল সন ১৮ তারিখ

১। সকর বা নিষ্কর সম্পত্তির নাম।
২। নম্বর।
৩। যে প্রকারের স্বত্ব ও তাহার পরিমাণ।
৪। রেজিষ্টরির লিখিত সাবেক মালিক বা কর্ম্মাধ্যক্ষের নাম।
৫। এক্ষণে রেজিষ্টরিতে যে মালিকের বা কর্ম্মাধ্যক্ষের নাম লিখিত হইল তাহার নাম।

The public are hereby informed, under section 77 of Act VII (B.C.) of 1876, that the names of the proprietors or managers of the under-mentioned revenue-paying or revenue-free property and the interest which they have in the said revenue-paying or revenue-free property, have from this date been changed as follows :—Date
year 18 .

1. Name of the revenue-paying or revenue-free property.
2. Number.
3. Nature and extent of interest.
4. Name of the former recorded proprietor or manager.
5. Name of the proprietor or manager whose name has now been registered.

Notice under section 65 of Act VII (B.C.) of 1876.

To _____ of _____.

WHEREAS it appears, from certain information obtained by me, that you, on or before the _____ day of _____ 19 (corresponding to _____ _____) _____ _____ _____

(here state the nature of the succession or assumption of charge in the exact terms of one or other of the first three clauses of section 42) _____ _____ _____ _____ _____ _____

and that the period of six months, within which you were bound by section 42, Act VII (B.C.) of 1876, to have applied for the registration of your name in respect thereof, has expired. You are hereby informed that you have been fined a sum of Rs. under section 65 of the abovenamed Act. You are further warned that, in addition to the fine of Rs. already imposed, as aforesaid, a further *daily* fine of Rs. will be imposed upon you for each day during which you shall omit to apply for such registration, commencing from the _____ day of _____ (corresponding to _____), or from the 31st day from the service of this notice, whichever may be later. You are hereby required to apply for registration before either of the dates fixed above.

Any cause which you may have to show against the above order will be heard by me on or before either of the above-named dates.

DISTRICT _____,
The *190* .

Collector.

8-7-1900.

Form of order on the Nazir to serve Notices.

The Land Registration Act of 1876.

ভূমি রেজিষ্টরী করণ বিষয়ক ১৮৭৬ সালের আইন।

কাছারি কালেক্টরি জেলা
সন ১৮৮ সাল তারিখ
বনাম শ্রী
দরখাস্তকারী।
শ্রী
বিষয়।

উপরোক্ত মোকদ্দমা সংক্রান্ত পার্শ্বলিখিত নোটিস তোমার নিকট পাঠাইয়া জানান যাইতেছে যে বিচারের অবধারিত দিবস আগামী ১৮৮ সালের তারিখের অন্যূন এক মাস পূর্ব্বে আইনানুসারে জারী করিয়া তাহার কৈফিয়ৎ দাখিল করিবা ইতি।

Collector's Office, district
Date year 188
To
Applicant.

Subject.

The notices noted in the margin relating to the above case are sent to you that having served them according to law, not less than one month before the 188 , the date fixed for the decision, you will submit your report thereon.

Perwana to Nazir to realize Fees.

The Land Registration Act of 1876.

ভূমি রেজিষ্টরী করণ বিষয়ক ১৮৭৬ সালের আইন।

হুকুমনামা।

জেলা কালেক্টরী কাছারী।
সন ১৮৭ সাল তারিখ
বনাম শ্রী
নাজীর
শ্রী
দরখাস্তকারী।
সাকিন

উপরোক্ত মোকদ্দমায় ১৮৭৬ সালের ৭ আইনের মর্ম্মমত দরখাস্তকারির নাম নং অধিকারী স্বরূপ জারীর হুকুম হইয়াছে অতএব এতদ্দ্বারা তোমাকে আদেশ করা যাইতেছে যে দরখাস্তকারির স্থানে সরকারী প্রাপ্য ফীস আইনানুসারে আদায় করিয়া "ল্যাণ্ড রেজিষ্ট্রেসন ফিস" বলিয়া জমা দিয়া তাহার রসিদ দিবস মধ্যে দাখিল করিবা। ইতি

Order.

Collector's Office, district
date year 18
To Nazir.
Applicant
of

Orders have been passed for the registration of the applicant's name in No. , as proprietor in the above case under Act VII (B.C.) of 1876. You are therefore hereby ordered that having recovered the fee, Rs , due to Government from the applicant according to law and having credited it as "Land Registration fee" you will submit the receipt within days.

Form of order to the Record-keeper and Road Cess Head Clerk.

Order addressed to the Record Department and the Head Clerk of the Road Cess Department district.

পরওয়ানা বনাম মহাফেজ দফ্তর ও রোড সেস ডিপার্টমেণ্টের হেড ক্লার্ক জেলা।

সাহেবের তারিখের আদেশ অনুসারে নিম্নলিখিত মহলের মালিকের নাম দাখিল খারিজ করা আবশ্যক অতএব তোমাদিগকে লেখা যাইতেছে যে তোমরা আপন২ সেরেস্তার রেজিষ্টরি ও কাগজাৎ রীতিমত লিখিত করিয়া হুকুম তামিল কর।

১। মহলের নাম ও তৌজির নং।

২। যাহার নাম খারিজ হইবে।

৩। তাহার মালিকী স্বত্ব বা অংশ।

৪। যাহার নাম দাখিল হইবে তাহার নাম ও সাকিন।

৫। তাহার মালিকীস্বত্ব বা অংশ।

তাং মাহা সন

Agreeably to the order of dated it is necessary to change the name of the proprietor of the following mehal. It is, therefore, written to you that you will carry out the order by properly writing the registry and papers that are in your respective charge :—

1. Name of mehal and number of towjih.
2. The person whose name should be struck out.
3. His proprietory right or share.
4. The person whose name should be entered and his residence.
5. His proprietory right or share.

Date month year

Collector.

Fly-leaf.

Fly-leaf of papers of case *decided in the month of*

Applicant *Opposite party.*

ফিরিস্তি কাগজ মোকদ্দমা সন ১৮৮ সাল তারিখ। দাখিলের মাহে সন ১৮৮ সাল পরগণে দরখাস্তকারী প্রতিপক্ষ

১। নম্বর।
২। কাগজের নাম।
৩। দাখিলের তারিখ।
৪। তাইন ফর্দ্দ।
৫। ষ্টাম্পের মূল্য।
৬। মন্তব্য।

1. Number.
2. Description of paper.
3. Date of filing.
4. Number of paper.
5. Value of stamp.
6. Remarks.

Board's Miscellaneous No. 220A (revised 1894), Kaifiyat for Mutation of Names.

Name of estate and tauzi number _____

Name of proprietor.	Character of interest.	Specification of shares.	Separate account, if any.			Mutation Case in Register 4.		Brief description of mutation with mauzawar register number of village affected by the mutation.	Address of new proprietor.
			Tauzi sub-number.	Number.	Year.	Number.	Year.		
In lieu of									
Enter									

5-9-94.

FORMS SPECIALLY PRESCRIBED FOR USE IN CALCUTTA.

General Register, A, (Part I) of revenue-paying lands in estates borne on the revenue-roll of the town of Calcutta.

কলিকাতার তৌজিভুক্ত ইষ্টেটের মালগুজারি জমীর সাধারণ রেজিষ্টরির প্রথম ভাগ।

[See sections 6 and 7 of the Act.]

১। নম্বর।	1. Number.
২। ভূমির মিউনিসিপল নম্বর ও রাস্তার নাম।	2. Municipal number of premises, with name of street.
৩। তৌজির নম্বর। অর্থাৎ ডিবিজন ও ব্লকের নাম বা নম্বর ও হোল্‌ডিং নম্বর।	3. Number in revenue roll *i.e.*, name of holding, with number of block and division in which situated.
৪। ঐ ইষ্টেটের মালিকানের, মেনেজরের এবং বন্ধকরাখনিয়ার নাম ও শিরোনাম এবং প্রত্যেকের স্বত্বের বিবরণ ও সীমা। নাম এবং ঠিকানা। স্বত্বের বিবরণ এবং সীমা।	4. Names and addresses of the proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, or mortgagee. Sub-heads. (*a*) Name and address. (*b*) Character and extent of interest.
৫। মৌজার এবং স্থানীয় বিভাগের বিবরণ মৌজার নাম। কোন্ থানাভুক্ত।	5. Specification by mohullas and thanas. Sub-heads. (*a*) Name of mohulla. (*b*) In what thana.
৬। প্রত্যেক মৌজার জমীর পরিমাণ ("একরেতে" ও "বিঘাতে") জরিপী বা অন্য কোন যথার্থ মাপের দ্বারা হউক। বাস ভূমি। পতিত। একুন।	6. Area in beeghas and acres by survey or other authentic measurement. Subheads. (*a*) Habitations. (*b*) Waste. (*c*) Total.
৭। রাজস্বদায়ী ভূমির সদর জমা।	7. Government revenue of the tenure.
৮। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	8. Reference to entries made in the intermediate register.

General Register, B, (Part I) of revenue-free lands, showing lands held exempt from Revenue in perpetuity in the Town of Calcutta.

কলিকাতার অন্তর্গত লাখেরাজ জমী অর্থাৎ যে জমী বিনা রাজস্বে চিরকাল অধিকারভুক্ত আছে তাহার সাধারণ রেজিষ্টরির প্রথম ভাগ।

[See sections 9 and 10 of the Act.]

১। নম্বর।	1. Number.
২। ভূমির মিউনিসিপল নম্বর ও রাস্তার নাম ও কি প্রকারের লাখেরাজ।	2. Municipal number of premises, with name of street and designation of revenue-free property.
৩। আদি সনদের বিবরণ। সনদের সন তারিখ। সনদভুক্ত জমীর আন্দাজি পরিমাণ। দাতার নাম। প্রথম গ্রহীতার নাম। যে কোন ডিক্রী বা হুকুমের দ্বারা ঐ সনদকে স্থিরীকৃত করে তাহার বিবরণ।	3. Particulars of original grant. Sub-heads. (*a*) Date of grant. (*b*) Nominal area granted. (*c*) Name of grantor. (*d*) Name of original grantee. (*e*) Reference to any decree or order of competent authority declaring or recognising the grant to be valid.
৪। মালিকানের এবং মেনেজরের নাম ও শিরোনাম ও প্রত্যেকের স্বত্বের বিবরণ ও সীমা।	4. Names and addresses of the proprietors and managers, with character and extent of the interest of each proprietor or manager.
৫। মৌজার এবং স্থানীয় বিভাগের বিবরণ। মৌজার ও থানার নাম। ডিবিজনের নাম ও ব্লক এবং হোল্‌ডিং নম্বর।	5. Specification by mohullas and local division. Sub-heads. (*a*) Names of mohulla and thana. (*b*) Number of holding, with name of division and number of block in which situated.
৬। প্রত্যেক মৌজার জমীর পরিমাণ (একরেতে) জরিপী বা অন্য কোন মাপের দ্বারা হউক। জমীর পরিমাণ বিঘা ইত্যাদি। জমীর পরিমাণ একরাদি।	6. Area in beegahs and acres by survey or other authentic measurement. Sub-heads. (*a*) Area in beegahs. (*b*) Area in acres.
৭। জমী সম্বন্ধে আদৌ রেজিষ্টরির উল্লেখ।	7. Reference to entries in earlier registers relating to the property or any part thereof.
৮। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	8. Reference to entries made in the intermediate register.

General Register, B (Part II) of revenue-free lands, showing lands occupied for public purposes without payment of revenue in the town of Calcutta.

কলিকাতার অন্তর্গত লাখেরাজ জমী অর্থাৎ যে সকল জমী বিনা রাজস্ব আদায় সাধারণ কার্য্যভুক্ত আছে তাহার সাধারণ রেজিষ্টরির দ্বিতীয় ভাগ।

[See section 11 of the Act].

১। নম্বর।	1. Number.
২। গবর্ণমেণ্টের যে বিভাগ বা সাধারণ মণ্ডলীর দ্বারা ঐ জমী অধিকৃত তাহার নাম।	2. Name of the department of Government or of public body by which the land is occupied.
৩। কি কার্য্য নিমিত্ত উক্ত জমী অধিকৃত।	3. The purpose for which the land is occupied.
৪। জমী লইবার তারিখ এবং তাহার বিশেষ বিবরণ।	4. Date and particulars of appropriation.
৫। স্থানীয় বিভাগের বিবরণ। ভূমির নম্বর ও রাস্তার নাম। ডিবিজন ব্লকের নাম বা নম্বর ও হোল্‌ডিং নম্বর। থানা এবং মৌজার নাম।	5. Specification by local division— Sub-heads. (*a*) Number of premises, with name of street. (*b*) Number of holding, with name of division and number of block. (*c*) Thana.
৬। জমির পরিমাণ। বিঘার হিসাব। একরের হিসাব।	9 Area— Sub-heads. (*a*) In beeghas. (*b*) In acres.
৭। মধ্যবর্ত্তী রেজিষ্টরির লিখনের উল্লেখ।	7. Reference to entries made in the intermediate register.

Application for Registration of names in respect of Revenue-paying and Revenue-free Properties in Calcutta.

1. Name of applicant* and residence.
2. Municipal number of the premises and name of street.
3. Number of the holding and block and division in which situated.
4. Revenue payable per annum, if any.
5. Name of the present recorded proprietor.
6. Character of applicant's interest.
7. Extent of applicant's interest.
8. If the applicant is joint-proprietor in charge or manager, then names of persons on behalf of whom he is in such charge or is manager.
9. Extent of such person's interest.
10. Name of mohallah and thana in which situated, and area of holding (if known).
11. Date of applicant's coming into possession.
12. Any other particulars which the applicant may wish to give.

of do hereby declare that the above statement is true to the best knowledge and belief.

Dated *(Signature of Applicant.)*

* A separate application must be filed by each person interested.

(For Calcutta only).

NOTICE UNDER SECTION 65.

Notice No.

CALCUTTA COLLECTORATE,

The 18

To

Owner of

Holding No. Block No. Division

As it appears that you are in possession of the property mentioned above, notice is hereby given that you are to apply within one month from the date of service of this notice for the registration of your name under Act VII (B.C.) of 1876, failing which the penalty imposed by the Act will be enforced.

Deputy Collector.

NOTIFICATION.

(*Published in Part I, at page* 1120, *of the* Calcutta Gazette *of the 6th September* 1876.)

The 5th September 1876.—Under section 39, Act VII (B.C.) of 1876, being an Act to provide for the registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof, the Lieutenant-Governor is pleased to notify that in all districts within the provinces subject to the Lieutenant-Governor of Bengal, all proprietors and managers, being in possession of estates or revenue-free properties, shall apply for registration of their names, and of the character and extent of their interests, under section 38 of the Act aforesaid, within a term of six months from the 1st November 1876, and that in default of so applying they will incur the penalties and disabilities provided by the Act.

NOTIFICATION.

(*Published in Part I, at page* 1159, *of the* Calcutta Gazette *of the 20th September* 1876.)

The 18th September 1876.—With reference to the notification dated 5th September 1876, and published in the *Calcutta Gazette* of the 6th September 1876, the Lieutenant-Governor is pleased to notify, under section 39 of the Land Registration Act, being Bengal Act VII of 1876, that in all districts within the provinces subject to the Lieutenant-Governor of Bengal, every proprietor and manager, being in possession of an estate or revenue-free property, or of any interest therein, shall apply for registration of his name and of the character and extent of his interest, under section 38 of the said Act, before the 1st November 1876, and that in default of applying for such registration within six months from the date of publication of this notification in the district, such proprietor or manager will incur the penalties and disabilities provided by the Act.

The Board of Revenue have been requested to draw up a form of application containing all the particulars required for the preparation of the registers prescribed by Part II of the Act, and it is intended that printed copies of such form of application shall be made obtainable on application to the Collector of the district.

NOTIFICATION.

The 26th October 1899.—In the Notification dated the 7th July 1888, which was published in the *Calcutta Gazette* of the 18th idem, directing that no revenue-free lands, the area of which is less than two local *mâns*, be registered in the district of Cuttack, *for* the words "local *mâns*" *read* "acres."

R. W. CARLYLE,
Offg. Secy., Board of Revenue, L. P.

NOTIFICATION.—No. 4015 L.R.

The 22nd November 1899.—With reference to the Notification dated the 26th October 1899, published in to-day's Gazette, in which the Board, with the sanction of Government, substitute the word "acres" for local *mâns*" in their Notification dated 7th July 1888, relating to the registration of revenue-free tenures in the district of Cuttack, the Lieutenant-Governor is pleased to direct that the Board's Notification dated the 26th October 1899 shall take effect from this date.

F. A. SLACK,
Offg. Secy. to the Govt. of Bengal.
12-12-99.

No. 1.

FOR the last sentence of rule 8, Section IX, Chapter I, page 15 of the Board's Rules, 1896, *substitute* the following:—

"The Board will, in communication with the Accountant-General, submit a short report of each defalcation when it occurs and a full report when the enquiry into the case has closed. The Board will also submit a special report to Government of cases of defalcations, (*a*) in which the loss is considerable, (*b*) in which any defect of system is involved, (*c*) in which any gazetted officer is very distinctly and gravely to blame, or, (*d*) in which they may recommend that the loss be written off. The Government of India,* in the Financial Department, has directed that no defalcation or loss of public money shall be reported to that Government, unless the loss:

Bengal Government No. 1956, dated the 10th April 1900.

* No. 3383, dated the 27th September 1877.

(*i*) Exceeds Rs. 1,000 and falls upon the reserve Imperial revenues;

(*ii*) Shows some defect of system, the amendment of which requires the orders of the Government of India."

2. *Cancel* Appendix A on page 16 of the Board's Rules.

NOTIFICATION.

(*Published in Part I, at page* 551, *of the* Calcutta Gazette *of the 2nd May* 1877.

The 30th April 1877.—Under the latter part of section 39 and section 40 of Act VII (B.C.) of 1876, being an Act to provide for the registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof, the Lieutenant-Governor is pleased, in modification of the notification dated 5th September 1876, to fix the 1st August 1877 as the date before which all proprietors and managers, being in possession of revenue-paying and revenue-free tenures in Calcutta, shall apply for registration of their names and of the character and extent of their interests under section 38 of the Act aforesaid. In default of so applying, they will incur the penalties and disabilities provided by the Act.

NOTIFICATION.

The 7th July 1888.—Under section 13 of Bengal Act VII of 1876, the Board with the sanction of Government, direct that in future no registration of revenue-free lands, the area of which is less than two local *mans*, shall be made in the district of Cuttack.

NOTIFICATION.

The 18th July 1888.—With reference to the notification published in to-day's Gazette, in which the Board direct, with the sanction of Government, that no registration of revenue-free lands, the area of which is less than two local *mans*, shall be made in the district of Cuttack, the Lieutenant-Governor is pleased to direct that the above order of the Board shall take effect from this date.

Circular order No. 10 *of March* 1877.

HON'BLE V. H. SCHALCH, C.S.I.

UNDER section 38 of Act VII (B.C.) of 1876, each individual proprietor of an estate or revenue-free property is required to file a separate application in respect to his share or interest. In order, however, to facilitate the disposal of the work involved in the first preparation of the registers, Collectors should endeavour to get all the applications regarding each estate as complete as possible before issuing notices to objectors, and should try to have all the applications affecting *each estate* disposed of together. The case unit is to be the estate or revenue-free property, and not the individual application. It will generally be possible to see, by inspecting the application, whether it covers the whole estate, and to find out when several applications together cover a whole estate, and the Collectors should endeavour to bring all parties before them on the same day. Notice that this is desired should be given to all revenue agents.

Circular order No. 3 *of April* 1879.

HON'BLE H. L. DAMPIER.

THE Board having observed that, in decisions under the Land Registration Act, 1876, the distinction is not clearly drawn between orders which are based on the fact of actual possession as found to exist and orders which declare the *right to possession* under section 55 (as amended by Bengal Act V of 1878), desire to call attention to the provisions of the law on the subject.

2. Under the Act the Collector or other deciding officer is bound, in the first instance, to decide either—

(i) that the applicant is in possession of the interest in respect of which registration is claimed, in which case the application must be granted; or

(ii) that some other person is in such possession, in which case the application must be rejected; or

(iii) that (in the words of section 55, as amended by Bengal Act V of 1878) "it is not proved to the satisfaction of the Collector that any person is in possession of the interest in dispute."

In the event of the third of these findings being arrived at (and not otherwise), the Collector may turn his attention to the question of *right to possession* under section 55. Then, having expressly declared that he acts under that section, the Collector may either—

(i) "determine summarily the right to possession" of the interest in dispute, in which case he "shall deliver possession accordingly, and shall make the necessary entry in the register;" or

(ii) refer the matter in dispute to the Civil Court for determination, as subsequently provided in the Act.

QUESTIONS

for the use of an officer inspecting the Land Registration Department of the Collector's Office.

Registers.

Registers A and B.

1. Are they properly written up?
2. Are they paged and attested by the Collector or his Assistant, and the number of pages in each register entered in his handwriting?
3. Have the registers been prepared according to alphabetical arrangement?
4. Has the leading word, and not the territorial distinction of the estate or village, been taken as the proper name?
5. Are the names written in full?
6. Have the entries in each part of registers A and B been numbered in one consecutive series for the whole district?
7. Have different serial numbers been given to different estates and properties, and not to each share of an estate for which a separate account has been opened?
8. Has sufficient space been left to admit of corrections and insertion of the necessary notes from time to time?
9. Are subsequent alterations noted in red ink in the proper places as required by rule 11, Chapter VI of the Manual?
10. In regard to revenue-paying lands, have all alterations in the amount of Government revenue and all partitions, &c., been noted?
11. When any entry is made in register D, is a reference-note made in column 7 of the general register?
12. Has the authority for each alteration, &c., been noted also?

Mowzahwar Register.

Register C.

1. Has it been properly kept up?
2. Have the villages of each thana been entered in an alphabetical order, with a separate series for each?

✚ "10A. Have notes of lands taken for public purposes been made in Registers A and B, as required by Rule 71, Chapter I, page 47 of the Land Acquisition Manual, and have entries of such lands been made, where necessary, in Register B, Part II ?"

7-11-91

Intermediate Register.

Register D.

1. Have the entries relating to the local divisions been made in exact accordance with the details of the mowzahwar register ?
2. Does column 6 contain sufficient details to admit of the necessary alterations being made with general registers A and B (when they are to be re-written), without reference to any other documents ?

Mutation.

Register No 4.

1. Has any special officer been appointed for this work ?
   (*a*) How many applications have been received up to date this year ?
2. In how many cases has mutation been allowed ?
3. In how many disallowed ?
4. How many are pending above six months ?
5. Has the record-keeper's report been taken previous to the issue of notices under section 48 ?
6. Was any case unnecessarily delayed, and who is to blame for it ?
7. When mutation of name was allowed, was information sent duly to the record-keeper by means of slips ?
8. Have all the mutation fees been realized ?

PART II.

THE CERTIFICATE PROCEDURE.

ACT VII (B.C.) OF 1880.

(*Received the assent of the Lieutenant-Governor on the 22nd April* 1880, *and of the Governor-General on the 26th June* 1880.)

An Act to amend the law for the recovery of certain Public Demands.

WHEREAS it is expedient to amend the law for the recovery of certain dues and debts demandable by Public Officers: It is hereby enacted as follows:—

Preamble.

Short Title.

1. This Act may be called "The Public Demands Recovery Act, 1880."

Extent.

Notwithstanding anything contained in section 2, it extends to all the territories for the time being administered by the Lieutenant-Governor of Bengal.

Commencement.

It shall come into operation on and after the date on which it shall be published in the *Calcutta Gazette* with the assent of the Governor-General.

Construction of this Act.

2. This Act, so far as is consistent with the tenor thereof, shall be construed as one with Act XI of 1859, passed by the Governor-General in Council, and Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council. The powers given by this Act shall be deemed to be in addition to, and not in derogation of, any powers conferred by any Act now being in force for the recovery of any due, debt, or demand to which the provisions of this Act are applicable.

Repeal of Acts in Schedule

3. The Acts specified in the first Schedule annexed to this Act are hereby repealed from and after the commencement of this Act, to the extent specified in the third column of that Schedule: provided that this repeal shall not affect—

(*a*) the past operation of any enactment hereby repealed, nor anything duly done or suffered thereunder:

(*b*) any liability created under any enactment hereby repealed.

Every Certificate made under the provisions hereby repealed of Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council, may be enforced under the provisions of this Act.

Certificate under Bengal Act VII of 1868 to be enforced under this Act.

4 In this Act, unless the context otherwise requires, but not in the other Acts mentioned in section 2—

Definitions.

"Section." "Section" means a section of this Act.

"Collector." "Collector" means (*a*) within the local limits of the ordinary original jurisdiction of the High Court of Judicature at Fort William in Bengal, the Collector of Calcutta; (*b*) without those limits, the Collector of a district or any officer specially appointed by the Lieutenant-Governor to perform the functions of a Collector under this Act; and (*c*) any officer in charge of a subdivision of a district whom the Collector of such district, with the sanction of the Commissioner, authorizes to perform such functions as aforesaid.

Note 1.—"Under section 7 the 'Collector of the District' is empowered to make a certificate, &c., &c. Collector in the Act means the Collector of the District, or any officer specially appointed by the Lieutenant-Governor to perform the functions of a Collector under this Act [see (*b*) of section 4]. Any officer specially authorized to act as a Collector is therefore a Collector, and as a Collector is a Collector of the District: it follows that an officer specially authorized &c., &c., is a Collector of the District within the meaning of this Act, and can make certificates under section 7." [Opinion of the Hon'ble the Advocate-General, dated 1st March 1882, in which the Legal Remembrancer agreed.]

See also the note to section 19.

Note 2.—"A Collector exercising powers under the Certificate Procedure is not a Judicial authority under clause 3 of section 5 of Act XI of 1859." [Opinion of the Hon'ble the Advocate-General, dated 14th January 1884, in Board's Miscellaneous Proceedings of 16th January 1884, No. 149, Collection 7, File 3019.]

5. In the following cases, that is to say—

When an estate or tenure has been sold for its own arrears, and the sale-proceeds are insufficient to liquidate the same; or

(1) when, under the provisions of Act XI of 1859, passed by the Governor-General in Council, or of Act VII of 1868, passed by the Lieutenant Governor of Bengal in Council, an estate or tenure has been sold for the recovery of arrears of revenue due thereupon, and, after deducting the expenses of such sale, the balance of the sale-proceeds remaining is insufficient to liquidate the arrears of revenue in discharge of which such sale-proceeds may under the aforesaid provisions be applied;

When arrears of revenue due from a farmer are not paid on latest date of payment,

(2) when arrears of revenue due from a farmer on account of an estate held by him in farm are not paid on the latest day of payment fixed under the provisions of section 3 of Act XI of 1859, passed by the Governor-General in Council;

the Collector of the district may make a certificate of the unpaid arrears.

the Collector may make under his hand, and in form No. 1 in the second Schedule annexed to this Act, a certificate of the amount of arrears so remaining unpaid, and may cause the same to be filed in his office.

6. (*a*) Subject to the provisions of this Act, every certificate made under the provisions of section 5 shall, as regards the remedies for enforcing the same and so far only, have the force and effect of a decree of a Civil Court, and the Secretary of State for India in Council shall be deemed to be the decree-holder, and the person therein named as debtor shall be deemed to be the judgment-debtor.

Such certificate shall have the force and effect of a decree of a Civil Court as regards the remedies for enforcing it.

(*b*) Such judgment-debtor may, at any time within one year after the service upon him of such notice as is mentioned in section 10, bring a suit in the Civil Court to have the said Certificate cancelled on the ground that the arrears stated therein were not due by him; but no such suit shall be entertained unless such judgment-debtor has paid such arrears to the Collector within one month after being served with the said notice, or, in any case in which he has filed a petition of objection under section 12, then within fifteen days after such petition has been heard and determined.

Judgment-debtor may bring a suit in the Civil Court to contest his liability, if he has deposited the amount of the Certificate.

(*c*) If no such suit is instituted within the said period of one year, or if any such suit, having been so instituted, is decided against such judgment-debtor, such Certificate shall become absolute, and shall have to all intents and purposes the effect of a final decree of a Civil Court.

If no such suit brought within one year, or if brought and decided against judgment-debtor, the Certificate to become absolute, and have effect of a decree of the Civil Court to all intents and purposes.

7. When any arrears of the following Public Demands are unpaid by the person liable to pay the same, that is to say:—

When any arrear of a Public Demand is unpaid by the person liable to pay the same,

(1) any sum of money which by any law for the time being in force is declared to be recoverable or realizable as an arrear of revenue or land revenue, or by the process prescribed for the recovery of arrears of revenue or of the public or Government revenue:

(2) any sum of money due from the sureties of a farmer in respect of the revenue of the estate farmed by him:

(3) any such demand, money, fee, duty, arrear, fine, or costs as is mentioned in the following sections of the following Acts passed by the Lieutenant-Governor of Bengal in Council, that is to say—in Act VIII of 1862, section 9; in* Act VI of 1873, section 50; in Act IV of 1875, section 1; in Act V of 1875, section 57; in Act III of 1876, section 42, section 73, and section 85; in Act VII of 1876, section 82; in Act VIII of 1876, section 138; in Act VII of 1878, section 36; or in the following sections and portions of the following Act passed by the Governor-General in Council, that is to say—in Act VII of 1870, "The Court Fees Act," sections 19G, 19H, and the note to paragraph 12 of Schedule I:

* Repealed by Act II (B.C.) of 1882: see section 70 of that Act.

(4) in the case of a person to whom the collection of tolls has been farmed under the provisions of section 8 of "The

Canals Act, 1864," or of the sureties of such person—any sum of money due in respect of such farm :

(5) in the case of a person having charge of a ferry subjected to the payment of a yearly rent—any arrear of such rent ascertained and certified as provided in Regulation VI of 1819, section 10 :

(6) any arrears of revenue or rent payable to the Secretary of State for India in Council from any ryot, or from any person holding any interest in land pasturage, forest rights, fisheries, and the like, whether such interest is or is not transferable :

(7) in the case of property which, under the provisions of any law for the time being in force, has been taken under the charge of, or is managed by, the Court of Wards or the Revenue authorities on behalf of a private individual—any arrears of rent or of other demands recoverable as rent, whether such arrears became due before or after the management devolved upon such Court or such authorities ; provided that this clause shall not apply to any arrears of rent at an enhanced rate, unless such enhanced rate has been agreed to by the person liable to pay the same, or has been confirmed by a competent Court :

(8) any sum payable to a Public officer of Government in respect of which the person liable to pay the same has agreed by a written instrument duly registered that it shall be recoverable under the provisions of this Act :

(9) any fee, duty, tax, or other demand, which by any Act passed hereafter shall be declared to be recoverable under the provisions of this Act ;

the Collector of the district may make under his hand, and in form No. 2 in the second Schedule annexed to this Act, a Certificate of the amount of such arrears so remaining unpaid, and may cause the same to be filed in his office : provided that no such Certificate shall be made in respect of any such demand, the recovery of which is barred by any law of limitation for the time being in force.

the Collector of the district may make a Certificate of the unpaid demand.

Note to Clauses (6) *and* (7).—In (*a*) trust estates managed by Government as express trustee, arrears of rent are recoverable under clause (6) of section 7. In (*b*) attached estates managed by the Revenue authorities on behalf of private individuals, arrears of rent are recoverable under clause (7) of section 7. The Act does not apply to rents of houses and shops, and the Certificate Procedure cannot be applied to the recovery of such rents. (Board's Wards' Proceedings of 16th February 1884, No. 34, Collection 10, File 672.)

Note 1 *to Clause* (7).—With reference to the wording of this clause, there is no necessity for the Board to notify the latest days of payment of rent due to wards' estates. (Board's Wards' Proceedings of 7th August 1880, No. 215, Collection 9, File 2113.)

Note 2 *to Clause* (7).—The Legal Remembrancer has given an opinion that a fine imposed under section 58A of Act IX (B C.) of 1879 cannot be properly levied by the Certificate Procedure. (Board's Miscellaneous Proceedings of 19th November 1887, No. 151, Collection 7, File 417.)

Such Certificate shall have the same effect as a decree of a Civil Court, as regards the remedies for enforcing the same.

8. (*a*) Subject to the provisions of this Act, every Certificate made under the provisions of section 7 shall, as regards the remedies for enforcing the same, and so far only, have the force and effect of a decree of a Civil Court. In the cases other than case (7) mentioned in the said section 7, the Secretary of State for India in Council and in the said case (7) the private individual therein mentioned, or, if such private individual be a Minor, Lunatic or Ward of Court, then such Minor, Lunatic, or Ward of Court by his next friend shall be deemed to be the decree-holder, and in all the cases mentioned the person therein named as debtor shall be deemed to be the judgment-debtor.

Judgment-debtor may bring a suit in the Civil Court to contest the Certificate. If no such suit within one year, or if brought and decided against the judgment-debtor, Certificate to become absolute.

(*b*) Such judgment-debtor may at any time within one year after the service upon him of such notice as is mentioned in section 10 bring a suit in the Civil Court to contest his liability to pay the amount stated in the said Certificate, and to have such Certificate cancelled: but no such suit shall be entertained unless such judgment-debtor has stated in a petition presented to the Collector under section 12 the ground upon which he claims to have such Certificate cancelled, or unless, having omitted to state such ground in such petition as aforesaid, he can satisfy the Civil Court that there was good reason for such omission. If no such suit is instituted within the said period of one year, or if any such suit having been instituted is decided against such judgment-debtor, such Certificate shall become absolute, and shall have to all intents and purposes the same force and effect as a final decree of a Civil Court:

Provided that no Certificate duly made under the provisions of this Act shall be cancelled by a Civil Court otherwise than on one or more of the following grounds, that is to say—

(1) that the amount stated in the Certificate was actually paid or discharged before the making of such Certificate;

(2) in the case of fines imposed, or costs, charges, expenses, damages, duties or fees adjudged, by a Collector or a Public officer under the provisions of any Regulation or Act for the time being in force—that the proceedings of such Collector or Public officer were not in substantial conformity with the provisions of such Regulation or Act, and that in consequence the judgment-debtor under the Certificate suffered substantial injury from some error, defect or irregularity in such proceedings:

(3) in cases other than those mentioned in clause (2)—that the amount stated in the Certificate was not due by the judgment-debtor under the Certificate:

(4) want of jurisdiction.

Nothing in this proviso shall be construed to interfere with the ordinary original jurisdiction of the High Court at Fort William in Bengal, or with the jurisdiction of the Calcutta Court of Small Causes.

9. (*a*) When any arrear of any of the public demands specified in section 7 is unpaid by any person liable to pay such public demands to a Public officer other than a Collector, or when any such demand as is specified in clause (7) of the said section is unpaid by any person liable to pay the same to a Manager appointed by the Court of Wards, such officer or such Manager may give to the Collector of the district in which such person resides, or in which such demand is payable, a notice in writing in form No. 3 in the second Schedule annexed to this Act: provided that no such notice may be given in respect of any such demand, the recovery of which is barred by any law of limitation for the time being in force.

In case of arrears of public demand payable to officer other than Collector, such officer may give notice to Collector.

Note.—The Board have declined to make a rule that, when the Manager of a ward's estate is subordinate to one Collector only, that Collector should countersign the Manager's notices of demand addressed under this Act to another Collector. Such countersignature, it was said, would be apt to degenerate into a mere act of routine. (Board's Wards' Proceedings of 23rd July 1881, No. 144, Collection 9, File 2734.)

(*b*) Every such notice given by a Manager shall be verified by such Manager in accordance with the provisions of the Code of Civil Procedure as to the verification of plaints, and there shall be payable in respect thereof a Court-fee of the same amount as is payable under the Court-Fees' Act for the time being in force in respect of a plaint for the recovery of a sum of money equal to that stated in such notice.

Such notice given by a Manager to be verified and stamped as a plaint.

(*c*) On receipt of such notice, such Collector, if satisfied that such demand is justly recoverable, may make under his hand, and in the form No. 2 in the second Schedule annexed to this Act, a Certificate of the amount of such arrears so remaining unpaid, and shall cause the same to be filed in his office.

Collector may on receipt of such notice make a Certificate.

(*d*) The provisions of section 8 shall apply to every such Certificate.

10. When a Certificate has been filed in the office of a Collector under the provisions of section 5, or section 7, or section 9, such Collector shall issue to the judgment-debtor a copy of such Certificate and a notice in form No. 4 in the second Schedule annexed to this Act. From and after the service of such notice, such Certificate shall bind all immoveable property of such judgment-debtor situate within the jurisdiction of such Collector in the same manner and with like effect as if such immoveable property had been attached under the provisions of section 274 of the Code of Civil Procedure. A copy of such Certificate may be transmitted by post to any other Collector for the purpose of being filed in his office, and as soon as it is so filed such Certificate shall, if the aforesaid notice has been served, bind in like manner all immoveable property of such judgment-debtor situate within the jurisdiction of such last-mentioned Collector.

When Certificate filed, notice to be given to judgment-debtor. Upon service of notice, Certificate to bind immoveable property of judgment-debtor.

Copy of Certificate may be sent to Collector of another district to be filed in his office; and upon its being filed, Certificate shall bind immoveable property situate in such district.

Note.—The issue of a certificate against the proprietor of an estate does not operate to exempt the estate from sale under clause 2 of section 17, Act XI of

1859. (Board's Miscellaneous Proceedings of 19th December 1885, No. 27, Collection 7, File 388.)

11. If in any case other than the case mentioned in clause (7) of section 7, the Collector is satisfied that any person against whom a Certificate has been filed under the provisions of section 5, or section 7, or section 9, is likely to conceal, or remove, or dispose of the whole or any part of his moveable property, and that the realization of the amount of such Certificate will in consequence be delayed or obstructed, he may at any time after making such Certificate direct an attachment of the whole or any part of the moveable property of such person. Such attachment shall be made in the manner provided in the Code of Civil Procedure for attaching moveable property, and subject to the provisions of section 266 of the same Code. Such property may be sold for the purpose of satisfying such Certificate, if no petition of objection is filed under section 12, or if any such petition is filed, then as soon as it has been heard and determined.

Moveable property of person against whom Certificate has been made may be attached at any time, if Collector satisfied that such person is likely to conceal, remove, or dispose of such property.

12. If any person, who has been served with a notice under section 10, denies his liability to pay the whole or any part of the amount for which such Certificate has been made and filed against him, he may at any time within thirty days after service of such notice, or, where no such notice has been duly served, within thirty days after the execution of any process for enforcing such Certificate, file a petition denying his liability as aforesaid, before the Collector by whom such Certificate has been made. Such petition shall be in, or as nearly as possible in, the form No. 5 in the second Schedule annexed to this Act.

Any person served with notice under section 10 may file a petition of objection.

Note.—A reference being made to the Board whether a petition under this section or any other petitions presented in course of the trial of a case should bear court-fee stamps as provided in No. 1 (*a*) and (*b*) of Schedule II of the Court-Fees' Act, 1870, or should bear a stamp of 8 annas as laid down in 1 (*b*) of that schedule, the Board ruled that the stamping of petitions under this Act should be regulated according to No. 1 (*a*) and (*b*) of Schedule I of the Court-Fees' Act, 1870. (Board's Miscellaneous Proceedings of 4th September 1880, No. 29, Collection 7, File 2471.)

13. Such Collector shall fix a day for hearing any such petition so filed, and upon such day, or any subsequent day to which such hearing may be adjourned, shall determine whether such petitioner is liable for the whole or any part of the amount for which such Certificate was made, and may set aside or modify or vary the Certificate accordingly. Every such Collector shall, for the purpose of hearing any such petition and determining as aforesaid, exercise all or any of the powers of a Civil Court in respect of summoning, causing the attendance of, and examining witnesses, and in respect of causing the production of documents; and the provisions of the Code of Civil Procedure applicable to these matters shall apply to a Collector exercising these powers.

Day to be fixed for hearing such petition. Collector to determine the liability of the petitioner Certain provisions of the Code of Civil Procedure to apply to the inquiry.

14. The Collector shall have full power to direct that the costs of such petition and of the hearing thereof shall be paid by the petitioner, and in any case in which a Collector directs the payment of such costs by any such petitioner, the amount thereof sha

Collector may direct costs of such petition to be paid by the petitioner. Such costs how realized.

if such petitioner be the judgment-debtor, be added to the amount entered in the Certificate, and shall be recoverable as if the same had been originally entered therein.

Note.—The Collector has full power to deal with the question whether the costs of authenticated copies of documents filed in cases and travelling allowances of witnesses produced by parties should be allowed and treated as costs of the case. (Board's Miscellaneous Proceedings of 4th September 1880, No. 29, Collection 7, File 2471.)

Collector may refer petition for hearing to Deputy Collector, Assistant Commissioner, &c., who shall have the same powers to hear it as the Collector.

15. The Collector of a district may refer to any Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner subordinate to him, any such petition as is mentioned in section 12, and such Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner shall hear and determine such petition accordingly. The provisions of sections 13 and 14 shall be applicable to any such Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner to whom any such petition has been so referred.

Appeal from Deputy Collector, Assistant Commissioner, &c., to Collector, and from Collector to Commissioner. Stay of execution.

16. An appeal from any order of a Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner may be preferred to the Collector within fifteen days, and an appeal from any original order of a Collector may be preferred to the Commissioner within thirty days after the making of such order respectively. Pending the decision of such appeal, execution may be stayed, if the Appellate authority so direct, but not otherwise.

Note 1.—Parties preferring appeals under this section are required to file with their memorandum of appeal a copy of the decision appealed against, authenticated in the manner laid down in the Board's Rules. (Board's Miscellaneous Proceedings of 4th September 1880, No. 29, Collection 7, File 2471.)

Note 2.—A memorandum of appeal from the orders passed by a Certificate Deputy Collector in regard to certificates filed for arrears of rent should bear an ~~*ad valorem* stamp under article 1, Schedule I~~ of the Court-Fees' Act VII of 1870. (Board's Miscellaneous Proceedings of 10th March 1888, No. 256, Collection 7, File 100.)

Power of revision.

17. There shall no appeal, as of right, lie from any order of a Collector passed on appeal from an order of a Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner; but the Commissioner may, in any case in which he thinks fit, revise any order passed by a Collector or Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner.

Certificate may be enforced after one month from notice, or when petition of objection disposed of.

18. Every Certificate made under the provisions of section 5, or section 7, or section 9, may be enforced and executed, upon the expiry of one month after service of the notice mentioned in section 10, or when any such petition as is mentioned in section 12 has been filed, then as soon as such petition has been heard and determined.

19. Such Certificate may be so enforced and executed by all or any of the ways and means mentioned and provided in and by the Code of Civil Procedure for the enforcement and execution of decrees for money, and all the practice and procedure provided by the said Court of Civil Procedure

Certificate may be enforced under the provisions of the Code of Civil Procedure as a decree for money.

in respect of sales in execution of decrees; in respect of raising the amount of a decree otherwise than by sale of immoveable property under the provisions of sections 305, 320, 322, 323, and 324 of the said Code; in respect of arrests in execution of decrees for money; in respect of the execution of decrees by imprisonment; in respect of insolvent judgment-debtors; in respect of claims to attached property; in respect of resistance to execution; and in respect of the execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued to enforce such Certificate and realize the amount recoverable thereunder, save that all the duties, powers, and authorities by the said Code imposed or conferred on the Court shall be exercised by the Collector in whose office any such Certificate, or any copy thereof transmitted for execution under the provisions of section 223 of the said Code, has been filed. Subject to the control of the Collector, and save and except in respect of the provisions relating to insolvent judgment-debtors, any of the said duties, powers, and authorities may be exercised by any Deputy Collector, Assistant Commissioner, or Extra Assistant Commissioner subordinate to such Collector.

Note 1.—The Board were asked (1) whether officers are justified in arresting a debtor in a certificate case without warrant on non-satisfaction of the amount of the certificate from the property attached, and (2) whether a Certificate Deputy Collector is competent to refer certificates to Subdivisional officers or other Deputy Collectors for execution under section 19 of this Act, or whether the Collector's own orders are required in such cases. They reply to (1) that "no arrest without warrant is allowed by the Civil Procedure Code, which governs the execution of a certificate," and to (2)—"When a Deputy Collector has been specially appointed by the Lieutenant-Governor under section 4 (*b*) of Act VII (B.C.) of 1880, he has the powers of the Collector of the District throughout the Act, inclusive of the last clause of section 19 and of section 15, *i.e.*, a Certificate Deputy Collector is competent to refer certificates to Subdivisional officers or other Deputy Collectors for execution, and the Collector's own orders are not required in such cases. The word "Collector," as defined in section 4 of Act VII (B.C.) of 1880, means the Collector of the District or any officer specially appointed by the Lieutenant-Governor to perform the functions of a Collector under the Act. There is not in this Act a special definition for 'Collector of District,' as there is in the Cess Act IX (B.C.) of 1880, and it may be inferred that when an officer is vested with the powers of a Collector under Act VII (B.C.) of 1880, Collector means the Collector of the District as under the definition." (Board's Miscellaneous Proceedings of 30th July 1887, No. 281, Collection 7, File 236.)

See also the note to section 4.

Note 2.—A question having arisen whether a Sub-Deputy Collector or other subordinate at a subdivision could be empowered to conduct sales for enforcing certificates under this Act during the absence of the Subdivisional Officer from head-quarters the Board replied that this section of the Act provides that the Collector of a District shall exercise (in respect to the execution of certificates) all the duties, powers and authorities which the Code of Civil Procedure

imposes or confers on the Court in respect of the execution of decrees. The Board added—"One of the powers of the Court under section 286 of the Civil Procedure Code is that of appointing any person whom it may think proper to conduct a sale. The power of appointing a person to conduct sales in execution of certificates is therefore conferred on the Collector by section 19 of the Public Demands Recovery Act, and, by the last clause of the section, this power may be exercised, subject to the control of the Collector, by any Deputy Collector, Assistant Commissioner or Extra Assistant Commissioner subordinate to him. The 'power' in question, of which the exercise is restricted to the officers here specified, is not that of actually conducting the sale, but of appointing a person to conduct the sale. And in the exercise of this power the Subdivisional officer is competent to appoint the Sub-Deputy or any other person he may think fit to conduct such sales." (Board's Miscellaneous Proceedings of 15th January 1881, No. 281, Collection 7, File 2624.)

Sale of immoveable property may be set aside, if Certificate is set aside by a competent Court. Proviso.

20. If any immoveable property is sold in execution of a Certificate under the provisions of section 18, and if such Certificate is subsequently set aside by a competent Court, such Court may set aside such sale of such immoveable property, and in any case in which such sale is so set aside, such Court shall direct that the amount of the purchase-money be refunded to the purchaser with or without interest, as such Court thinks fit: provided that no such sale shall be so set aside unless such purchaser has been made or added as a party to the suit brought to set aside such Certificate.

Register of Certificates to be kept in Collector's office and to be open to inspection on payment of fee of eight annas.

21. Every Collector shall cause to be kept in his office a Register in such form as may from time to time be prescribed by the Board of Revenue, and shall cause to be entered in such Register the particulars of every Certificate made under this Act, which, or a copy of which, has been filed in his office. Such Register shall be open during office hours to the inspection of any one desiring to inspect the same, and a fee of eight annas, or such fee not exceeding eight annas as the Board of Revenue may prescribe, shall be chargeable for such inspection.

Payment of sum due under a Certificate may be made by instalments. Payment of instalments to be entered in Register.

22. (*a*) Payment of the amount due under a Certificate may be made by instalments, if the Collector who made such Certificate so direct. The payment of any instalment shall be entered in the Register mentioned in section 21.

When total amount satisfied, Collector to enter satisfaction on Certificate and in Register,

(*b*) When the total amount due under a Certificate has been paid and satisfied, the Collector in whose office such Certificate was originally filed shall enter satisfaction upon such Certificate under his hand and signature, and shall cause the same to be entered in the Register mentioned in section 21.

and to communicate it to other Collector in whose office a copy of such Certificate has been filed.

(*c*) When a copy of such Certificate has been transmitted to another Collector, or when such Certificate has been made under the provisions of section 9 upon notice from a Public officer other than a Collector, or from a Manager appointed by the Court of Wards, such satisfaction shall be communicated to such other Collector or to such officer, or to such Manager.

(*d*) When a sum has been levied or received by a Collector in respect of a Certificate, a copy of which has been transmitted to him and filed in his office, such Collector shall send such sum to the office in which such Certificate was originally made.

Sum levied by Collector to whom copy of Certificate sent to be transmitted to Collector who made Certificate.

23. Every Collector, Deputy Collector, Assistant Commissioner, and Extra Assistant Commissioner, and every such Public Officer as is mentioned in section 9 shall, in the discharge of his functions under this Act, be deemed to be a person acting judicially within the meaning of Act XVIII of 1850, passed by the Governor-General in Council.

Collector, Deputy Collector, Assistant Commissioner, Extra Assistant Commissioner and Public officer to be deemed to be acting judicially in the discharge of his duties under this Act.

24. All Collectors, Deputy Collectors, Assistant Commissioners, and Extra Assistant Commissioners shall, in the performance of their duties under this Act, be subject to the general supervision and control of the Commissioners of Divisions and the Board of Revenue.

Collectors, &c., to be subject to the supervision and control of Commissioners and Board in discharge of their duties under this Act.

Note.—The Board have ruled that the fees chargeable for serving and executing processes issued under this Act should be levied according to the rules and scale laid down in the Board's Rules in respect of the levy of fees in Executive revenue processes. (Board's Miscellaneous Proceedings of 4th September 1880 No. 29, Collection 7, File No. 2471, and of 11th October 1884, No. 171, Collection 10, File 6.)

FIRST SCHEDULE—*See* section 3.

Number and year.	Subject of Act.	Extent of repeal.
	Acts passed by the Lieutenant-Governor of Bengal in Council.	
VIII of 1862...	An Act to improve the system of Zemindari Daks in the Provinces subject to the Government of Bengal.	In section 9, the words from and including "which said double amount" to and including "making default."
VII of 1868 ...	An Act to make further provision for the Recovery of Arrears of Land Revenue and Public Demands recoverable as Arrears of Land Revenue	In section 1, from and including the words "The word 'demand' means" to the end of the section. In section 2, the words "not being a sale made under, and by virtue of, any execution issued upon a certificate made as hereinafter is provided." In section 6 the words "or persons liable to any demands," "or persons," "or any demands," "or persons," "or to any demands," "or persons," and "or of such demands." Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28.
VI of 1873 ...	An Act to amend the law relating to Embankments and Watercourses.	Section 50, from and including the words "under the provisions" to the end of the section.
I of 1875 ..	An Act for the Realization of Arrears in Government Estates.	The whole Act.
V of 1875 ...	An Act to provide for the summary realization of sums due on account of loans made by the Government during the late famine operations.	Section 1, from and including the words "within the meaning" to the end of the section.

Number and year.	Subject of Act.	Extent of repeal.
	Act passed by the Lieutenant-Governor of Bengal in Council—contd.	
V of 1875 ...	An Act to provide for the Survey and Demarcation of Land.	In section 57, from and including the words "under section 2" to the end of the section.
III of 1876 ..	An Act to provide for Irrigation in the Provinces subject to the Lieutenant-Governor of Bengal.	In section 42, from and including the words "under the provisions" to the end of the section. In section 73, from and including the words "under the provisions" to the end of the section. In section 85, from and including the words "under the provisions" to the end of the section.
VII of 1876 ...	An Act to provide for the Registration of Revenue-paying and Revenue-free Lands, and of the proprietors and managers thereof.	In section 82, from and including the word "under section" to the end of the section.
VIII of 1876...	An Act to make better provision for the Partition of Estates.	In section 138, from and including the words "under section" to the end of the section.
VII of 1878 ...	An Act to consolidate and amend the law relating to the Excise Revenue in the Presidency of Fort William in Bengal.	In section 36, from and including the words "or by the process" to the end of the section.
IX of 1879 ...	An Act to amend the law relating to the Court of Wards.	Section 63.
	Regulations of the Bengal Code.	
III of 1794 ...	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and for prescribing the process by which tehsildars are to demand payment of arrears; and for enabling the Collectors to recover from Native officers employed under them public money or papers which they may embezzle or retain, &c.	Section 12. Sections 16, 17, 18, 19, and 20, so far as they relate to the recovery of money belonging to Government.

SECOND SCHEDULE.

FORM NO. 1.

(*See* section 5).

Certificate of Arrears of Revenue filed in the Office of the Collector of the District of (*name of District*).

No. of Certificate.	Name of Debtor.	Address of Debtor.	Amount of Arrears of Revenue for which this Certificate is made, and period for which such arrears are due.	Estate or tenure for which Arrears of Revenue due.

I hereby certify that the above-mentioned sum of Rs. is due to the Secretary of State for India in Council from the above named.

Dated this day of 18 . A. B.

Collector of

FORM No. 2.

(*See* sections 7 and 9).

Certificate of Arrears of Public Demands filed in the Office of the Collector of the District of (name of District.)

No. of Certificate.	Name of Debtor.	Address of Debtor.	Amount of the Public Demand for which this Certificate is made.	Particulars of Public Demand for which this Certificate is made; and Public officer [*or* Manager, *and* of what estate] to whom due.

I hereby certify that the above-mentioned sum of Rs. is due to the Secretary of State for India in Council [*or* to A. B., a Ward of Court *or* a Minor, *or* a Lunatic, by his next friend B. D.] from the above named.

Dated this day of 18 . A. B.

Collector of

FORM No. 3.

(*See* section 9).

NOTICE OF DEMAND.

To the Collector of the District of

Name of Debtor.	Address of Debtor.	Amount of Public Demand for which this Notice is given.	Nature of the Public Demand for which this Notice is given.

The above sum of Rs. is due from the said in respect of

Certified this day of A. B.

FORM No. 4.

(*See* section 10).

NOTICE.

To (*Insert name of judgment-debtor*).

You are hereby informed that a Certificate for Rs. , due from you on account of , has been this day made by me against you under the provisions of Section of Act of 1880 passed by the Lieutenant-Governor of Bengal in Council, and that such Certificate has been filed in this office. If you deny your liability to pay the said sum of Rs. , you may within thirty days show cause why such Certificate should not be executed. If you fail to show cause within thirty days, or do not show sufficient cause, such Certificate will be executed in the same manner as if it were a decree of a Civil Court for the said sum of Rs. , unless you pay the amount into this office. Until such amount is paid, you are hereby prohibited from alienating your immoveable property or any part of it by sale, gift, mortgage, or otherwise.

A copy of the Certificate above mentioned is hereto annexed.

Dated this day of 18 A. B.

Collector of

FORM No. 5.

(*See* section 12).

To

THE COLLECTOR OF THE DISTRICT OF

The humble petition of (*name of petitioner*) of (*address*).

SHEWETH—

That a Certificate No. for the sum of Rs. has been filed against your petitioner in your office under the provisions of section of Act of 1880 passed by the Lieutenant-Governor of Bengal in Council.

That your petitioner respectfully denies his liability to pay the said sum of Rs. (or, where the liability to pay part is admitted, denies his liability to pay more than Rs.), and this for the following reasons:—

That the facts above stated are true to the best of your petitioner's knowledge and belief.

Your petitioner therefore respectfully prays that the said Certificate may be set aside *or* modified *or* varied).

RULES UNDER THE PUBLIC DEMANDS RECOVERY ACT.

N.B.—Throughout these rules, unless it appears otherwise from the context, the words "the Act" mean the Public Demands Recovery Act, VII (B.C.) of 1880.

Section I.—Delegation of Powers to Deputy Collectors.

1. The Lieutenant-Governor having approved of a proposal made by the Board to relieve District officers of the burden which has hitherto been imposed on them of making under their own hands certificates of arrears under the Act, by specially appointing an officer in each district to perform the functions of a Collector under the Act as contemplated by clause (*b*), section 4, the annexed instructions are issued for the guidance of Collectors, of officers so specially appointed, and of others concerned in working the Act. A list of the demands falling under sections 5 and 7 of the Act is given in Appendix A. An explanatory extract from the communication* which the Board addressed to Government on the subject is annexed in Appendix B.

Appointment of special officers as Collectors.

* No. 267A, dated 29th April 1882, paragraphs 3 to 12 inclusive.

2. District Officers should submit the names of the Deputy Collectors whom they would propose to be specially empowered and in doing so the grounds of selection should be stated The officer nominated should ordinarily be an experienced Deputy Collector, on whose judgment reliance can be placed.

Nomination of Deputy Collectors.

3. The effect of an officer being specially appointed by the Lieutenant-Governor to perform the functions of a Collector under the Act, as mentioned in section 4, is† to vest him with the following powers, which the Collector could not have authorized him to exercise without such special appointment:—

Effect of specially appointing officers as Collectors.

† This is also applicable to the authorization of a Subdivisional officer by the Collector of the District, with the sanction of the Commissioner, to perform the functions of a Collector.

(1) To make certificates under his hand in accordance with sections 5, 7 and 9 of the Act, and to issue copies thereof with notices under section 10.

(2) To direct attachment of moveable property under section 11 immediately after a certificate is made.

(3) To receive petitions of objections under section 12 denying liability to pay the whole or any part of the amount for which a certificate has been made and filed, and to hear, determine, and deal with such petitions under sections 13 and 14, or to refer them under section 15 to any other Deputy Collector for hearing and determination.

(4) To exercise the powers referred to in section 19 in execution of certificates in respect of insolvent debtors.

(5) To hear appeals from any orders of Deputy Collectors.

These appear to be the only powers which a Deputy Collector, who has been duly authorized in that behalf by the Collector, either by a special order (section 15), or in the general distribution of work (section 19), may not exercise.

Powers conferred how to be exercised.

4. The Collector of a district may in any case which comes to his notice (either on reference from the Certificate Officer or in any other way) direct that the certificate be not issued, or that its issue be postponed until he has arrived at a determination about it.

Section II.—The functions of the Requiring Deputy Collector and Certificate Officer.

Requisition from Requiring Officer on the Certificate Officer.

1. Whenever any Deputy Collector or other public officer authorized to issue the notice under section 9 of the Act (to be hereafter designated the Requiring Deputy Collector or Officer) considers that any demand, which it is the business of such officer to realize, should be recovered under the provisions of the Act, he shall make a requisition on the Collector or Deputy Collector (to be hereafter designated the Certificate Officer) who is authorized to make a certificate under his hand.

Accompaniments of requisition.

2. The requisition shall be accompanied by a statement in form No. 2 of the second Schedule annexed to the Act, which, when signed by the Certificate Officer, may become the original certificate made under his hand and be filed in the Collector's office.

Form of requisition in certain cases.

3. If the requisition be for a certificate for the recovery of any arrear of the classes specified in article 2, clause (*b*), section 8 of the Act, it shall be in the briefest form; but in addition to the above statement a copy of the order of the competent authority by whom the realization of the arrear was ordered shall be annexed.

Certificate how to be made.

4. On receipt of such requisition the Certificate officer shall (in the absence of any obvious reason to the contrary) make the certificate under his hand by formally signing the draft form sent to him by the Requiring Deputy Collector.

Responsibility of Requiring Deputy Collector.

5. If the arrear be of any other class of demand than those specified in the said article 2, clause (*b*) of section 8, the Requiring Deputy Collector shall, in his requisition, state whether there is any reason to doubt that the person against whom it is sought to take out the certificate will admit his liability to pay the amount specified, or any part of it, with a brief explanation of the circumstances of the case. The Requiring Deputy Collector will be held responsible that this duty is performed carefully and intelligently, and not as a matter of routine.

Duty of Certificate Officer.

6. On receipt of such application the Certificate Officer before making the certificate shall—(1) satisfy himself in a general way that the demand is justly recoverable; (2) consider whether the arrear is one

which, under all the circumstances of the case, should be recovered by the summary procedure of the Act.

7. If the Certificate Officer is so satisfied, and does so consider, but not otherwise, he shall make the certificate.

8. In case of such refusal, the Requiring Officer may apply to the Collector to make such certificate.

and of Requiring Officer.

9. Whenever any person shall, as provided in section 13, deny his liability to pay the whole or any part of the amount for which a certificate has been made against him, the Certificate Officer shall ordinarily, under section 15, refer the petition of objection for hearing and determination to the Requiring Officer: Provided always that the Requiring Officer is a Deputy Collector or Assistant Commissioner, or Extra Assistant Commissioner, as described in section 15 of the Act. In all cases it is open to the Certificate Officer to call for a report on the case from the Requiring officer.

Petition of objection to be referred to Requiring Officer.

10. Every officer who hears and determines on a petition of objection shall send the record of the case to the Certificate Officer, who may order that the certificate remain in force, or that it be modified or varied in accordance with the determination of the petition of objection by the Requiring Officer.

Procedure subsequent to disposal of objection.

11. No officer, although specially appointed by the Lieutenant-Governor to perform the functions of a Collector under the Act, shall exercise the appellate powers of a Collector under the Act unless he is expressly authorized in that behalf by the vesting order; and, unless the contrary shall be expressly specified in such order, every such officer shall exercise his functions subject to the control of the Collector of the District, as if he were not so specially appointed to exercise the functions of a Collector.

Appellate powers of officers specially appointed:

Control of Collector.

Section III.—Miscellaneous.

1. The effect of the service of notice under section 10 of the Act is conclusively to bind all immoveable property of the judgment-debtor situated within the jurisdiction of the Collector concerned, in the same manner and with like effect as if such immoveable property had been attached under the provisions of section 274 of the Code of Civil Procedure (Act XIV of 1882). It is therefore superfluous to take out a second attachment before sale for enforcing the certificate under section 19 of the Act.

Effect of service of notice.

2. The attention of Collectors and other officers entrusted with the working of the Act is called to the ruling of the High Court in the case Rakhal Chandra Rai Chaudhuri *versus* the Secretary of State for India in Council at page 603, volume XII of the Indian Law Reports, in which the Hon'ble Judges held that, "although no special provision is made "in Bengal Act VII of 1880 as to the manner of service of the notice "prescribed in section 10, it is not to be presumed that the Legislature "intended that service of a less effectual character should be sufficient than

Method of service of notice.

^ "In both cases, however, due notice of sale should be given if the property has eventually to be sold, the directions in rule 1 of the rules made by the High Court (*vide* pages 22-23 of the Certificate Procedure Manual, 1888) being followed where the property is believed not to exceed Rs. 20 in value." 5-4-93.

"Similarly, if the moveable property has, as a special case, been attached in the first instance under Section 11, it will not be necessary to issue fresh attachment in the course of the execution proceedings. ~~In both cases, however, due notice of sale should be given if the property~~ has eventually ~~to be sold~~." 10-12-92.

"1A. Sales of moveable property not exceeding Rs. 20 in value shall be held on the spot, as provided in rule 1 of the Rules made by the High Court and issued with their Circular No. 19 of the 28th April 1879 (*vide* page 22 of this Manual). Such sales will necessarily be conducted by peons when they are the attaching officers. Sales of moveable property of greater value may be held on the spot or at the Sadar or subdivisional head-quarters, as may seem convenient and conducive to the securing of good prices. For such sales officers of higher rank than peons should always be deputed when the value of the property is estimated to exceed Rs. 50, and proclamation should be issued. When the value is between Rs. 20 and Rs. 50, the Collector or Deputy Collector may by a special order depute a peon, if he considers it desirable to do so.

Sale of moveable property.

"1B. Sales of immoveable property should ordinarily be held at the district or subdivisional head-quarters, according as the villages may be nearer to either, but sales on the spot are desirable when bids or sufficient bids cannot be obtained at head-quarters. It sometimes happens that it is only by holding sales in the villages that the property can be disposed of. When this is the case nazirs, naib-nazirs or bakshis should be employed ; but in rare instances, where the value of the property is very small and the cost of deputing a higher officer would be out of proportion to it, a trustworthy peon may be sent out under the special orders of the Collector or Deputy Collector. For all sales of immoveable property proclamation must be issued.

Sale of immoveable property.

"1C. Sales of estates or shares of estates should always be held at the district or subdivisional head-quarters.

Sale of estates or shares of estates.

"1D. In order to ensure a good attendance of bidders and fair bids, it is desirable that regular sale days, whether one or more in the month, should be fixed, and that lists of property to be put up at each sale should be published some days in advance. This arrangement cannot, perhaps, be made ordinarily at subdivisions, where sales are few and far between, but it should be introduced where the sales are sufficiently numerous and regular." 12-8-93.

Procedure for ensuring a good attendance of bidders and fair bids.

"The Legal Remembrancer, on a reference made to him by the Board, has advised that certificates made for rent due to Wards' and Government estates are governed, as regards the question of limitation, by Schedule III, Part III, Act VIII of 1885. Save, therefore, in the special cases mentioned in that Section no application for execution of a certificate can be received after three years from the date on which the certificate was made, and certificates must be struck off after that period if no execution proceedings are pending. If, however, an application for execution is made before the expiration of the three years, the proceedings for executing the certificate can be carried on after the three years until completion." 8-12-91.

Remission of costs.

"5A. The cost of realization in some instances, to which the attention of the Board has been drawn appeared to be very excessive by comparison with the amount of the original demand. To prevent the recurrence of this abuse, Collectors are authorized at their discretion to remit any portion of the fees which they find to be unreasonable with reference to all the circumstances of a particular case. They will state annually in their reports on the Public Demands Recovery Act how this discretion has been exercised, giving at the same time a statement of cases, if any, in which the cost of recovery has been more than double the original demand.

Postponement of the issue of certificates.

"5B. In the case of regularly recurring demands (such as Road Cess, Public Works Cess, Zemindari Dâk Cess, &c.), when there is reason to believe that a trifling default at one kist may be made good at the next, a Collector is authorized, in his discretion, to postpone the issue of a certificate on the occurrence of the demand." 1-6-89.

"This opinion has since been confirmed by the officiating Advocate-General 1-11-1

(k) "NOTE.—On a reference made to the Legal Remembrancer, he has advised that interest falling due after a certificate has been made cannot be included in it, and therefore cannot be realised under it." 3-8-89.

Note 2.—The Legal Remembrancer, on a reference made to him by the Board, has advised that a Collector cannot in working the Certificate Procedure award costs to a successful objector, there being no provision on the subject of costs in Act VII (B.C.) of 1880, except that contained in section 14, which refers only to the award of costs against, and not in favour of, objectors. 2-2-90.

"it has expressly provided for similar processes under the Civil Procedure "Code. Before, therefore, a service under Bengal Act VII of 1880 can "be effected by posting it on the residence of the party on whom it is "wished to serve it, it must be shown that some attempt has been made "to effect personal service, and that such personal service, for reasons "stated, could not be made.

"In such a case, when the fact of service of notice is denied, the "onus is on the party alleging service to prove it."

3. Though the mode of service is not specially provided for in the Act, it appears to be prescribed by section 5 of Act VII (B.C.) of 1868. Under that section service is primarily to be effected by delivering the copy of the notice to the person to whom it is directed, or to some adult male member of his family, and it is only when the notice cannot be served in either of these ways that it is permissible to serve it by posting the copy on some conspicuous part of his house.

Validity of certificate.

4. A certificate once made by a Collector remains valid as a decree against the debtor, until it is either legally set aside or fully satisfied, or until the execution of it has become barred under the law and rules applicable to the execution of decrees of the Civil Court. Repeated executions may be had on it, but it will still remain valid for what may still remain due. A certificate should therefore continue to be borne on the pending files and the registers of the Collector's office until it has ceased to be effective for one or other of these reasons.

Recovery of costs and interest.

5. The recovery of costs and of any interest which may be due on the certificate must, for the purpose of this rule, be considered on the same footing as the recovery of the sum due on the body of the certificate. Such items must be realized before the demand due on the certificate can be said to be fully discharged.

Clearing of pending files.

6. As a mere matter of office convenience, a Collector may clear his registers by striking off the pending file any certificate which is for the recovery of an amount of which the abandonment or remission has been formally sanctioned by competent authority, whether as an irrecoverable balance or otherwise.

Transmission of certificate to other districts.

7. When the debtor resides in a district other than that of which the Collector has made the certificate and filed it in his office, the Collector making such certificate should transmit to the Collector of the district in which the debtor resides a copy of the certificate, together with the notice in form No. 4 referred to in section 10 of the Act, and with a request that he will cause them to be served on the debtor.

To bind property in other districts.

8. If the Collector making the certificate deires to bind any property of the debtor situate in another district, he should send a separate copy of the certificate, with a request that it be filed in the office of the Collector of such district under section 10.

9. In sending the copy of the certificate to be filed in another Collector's office, the Collector making the certificate should state whether the notice in form No. 4 has been served on the debtor.

Copies to be sent to other districts.

10. When the Collector making a certificate desires that it should be enforced and executed by another Collector under section 19 of the Act, he should send for that purpose copy of the certificate made under the Act, together with a certificate under clause (*b*), section 224 of the Code of Civil Procedure (Act XIV of 1882). If a copy of the certificate under the Act has already been filed in the office of such other Collector, it will be unnecessary to send another copy of it for the purpose of execution. In such cases it will be enough to send the certificate under section 224 of the Code, and to make a reference to the copy of the certificate under the Act which was previously transmitted for the purpose of being filed.

Cost of serving notice.

11. As regards the cost of serving notices and of executing certificates in districts other than that in which the certificate was made, it appears sufficient to point out that the Collector actually executing the process should defray the cost of service, and credit in his own district the recoveries on account of such costs. It is probable that on an average the transactions of one district for another will balance themselves so nearly as not to require the introduction of any special rule on this account. +

In cases of application made by Manager.

12. In cases under section 63 of Act IX (B.C.) of 1879, the costs incurred by the Manager of the estate, that is to say, the value of the court-fee stamp affixed to the application made by the Manager to the Collector under section 9 of Act VII (B.C.) of 1880, as well as any other costs advanced by the Manager for the execution of the certificate, will be recovered and remitted along with the amount of arrears of rent included in the certificate.

Process fees and costs in cess cases.

13. The value of court-fee stamps, as will as any other recoverable costs which the requiring Collector may notify to the executing Collector to have been incurred in the case of notices for recovery of cesses served in districts other than that in which the certificates are made, should be recovered and remitted by the executing Collector with the amount of cess or other demand connected therewith included in the certificate.

Court-fee stamps to be affixed to and remain with the application in all cases.

13A. In all cases the court-fee stamps are to be affixed to the application for issue of processes and not to the processes themselves. An endorsement should be made on the processes, certifying that the fees have been paid, and the applications should be retained in the receiving court or office.

Certificates for the recovery of rents due to wards' estates.

14. A certificate under clause 7 of section 7 of the Act for the recovery of rents due to wards' estates is made by the Collector, acting as a Court, but exercising a special and summary jurisdiction. The Collector acting as a Court is not required by law to enforce a certificate unless moved to do so. He is apparently required by section 10, without any special application being made to him, to issue a notice to the judgment-debtor, but he takes no further steps than this, except on the application of the person who is deemed by law to be the decree-holder. +

"for Government demands." 10-9-92.

+ "11A. As remittances of sums realised under Act VII (B.C.) of 1880 are made for a *bonâ fide* public purpose, such sums are to be transmitted by means of remittance transfer receipts by the Collectors of the districts in which they are paid to the Collectors of the districts in which the sums are finally to be credited. No charge or fee is to be realised from the payer on this account." 5-3-91.

Rules as to transfer receipts.

+ "He should, however, when delay occurs on the part of managers in applying for further proceedings, call upon them to state whether they wish to proceed further with the certificates, and, if so, to make the requisite application and file lists of property to be attached. Should the managers still fail to push the cases on, he should bring the matter to the notice of the Collector."

4-12-91.

NOTE.—On a reference made to the Legal Remembrancer he has expressed an opinion that applications for the execution of certificates filed on behalf of a minor under the Court of Wards are saved by section 7, Act XV of 1877, *i.e.*, the execution proceedings will not be barred until the ordinary time of limitation has expired after the minor has attained his majority.

11-8-91.

15. A certificate under the article abovementioned is made for the benefit of the person whose property is under the charge of the Court of Wards at the time when the certificate is made. There is no provision in the law that upon the release of the estate the certificate shall be cancelled; it must, therefore, be regarded as still in force, even though the person for whose benefit it was made may have passed out of the jurisdiction of the Court of Wards.

Certificate not cancelled by release of estate.

16. The Collector may, therefore, be moved to enforce a certificate (1) by the Manager under the Court of Wards, or (2) by the person for whose benefit the certificate was made. The costs incurred in enforcing the certificate must be borne by the estate or by the released proprietor, as the case may be; and if the Collector think fit, he may require that the sum necessary shall be supplied in advance.

Who may move the Collector.

17. It must be borne in mind that the extension of the certificate procedure to the recovery of rent arrears in wards' estates was never meant to throw any pecuniary burden on the Government.

No pecuniary burden to be thrown on Government.

18. Under section 258 of the Civil Procedure Code (Act XIV of 1882) a decree-holder is bound to certify to the Court all payments made out of Court, and all adjustments, in whole or in part, in satisfaction of the decree; and as a certificate under Act VII (B.C.) of 1880 may, under section 19 of that Act, be enforced and executed in the same way as a decree for money is enforced and executed under the Civil Procedure Code, the Manager of a Court of Wards' estate, when any payment is made to him of any money payable under a certificate, or when any adjustment of any amount due under such certificate has been made with his consent, should report the fact to the Collector as provided in section 258 of the Civil Procedure Code. It is not sufficient for the Manager to pay the amount into the treasury, for the Collector, as a Court, is not bound to take cognizance of such payment.

Manager to report to Collector realisation under a certificate.

19. The Manager's report to the Collector should bear a stamp of one anna if the amount covered by the certificate is less than fifty rupees (Art. 1 (*a*), Schedule II, Act VII of 1870), and eight annas in any other case (Art. 1 (*b*), *idem*).

Manager's report to be stamped.

20. Under the old and present cess law alike, all persons who are jointly holders of an estate are jointly and severally liable for the payment of the whole cess. It is in the discretion of the Collector to enter upon the certificate the names of any one or more of the joint-holders he may think proper: he is not bound to enter the names of all the holders. The certificate must, however, be precise, and specify the names of the person or persons against whom it is issued. It is not competent to the Collector to omit all mention of names, and describe the judgment-debtor in general language as holder of the estate. A certificate can only be executed against the persons named therein and upon their property. If the Collector recovers cess from any one shareholder in an estate, in excess of the amount proportionate to the interest of such shareholder,

Powers as to recovery of cess from joint-holders of estates

in the estate, such shareholder can avail himself of the remedies indicated in sections 48 and 49 of the Cess Act, IX (B.C.) of 1880. Although this discretionary power of selection has been vested by the law in the Collector, as being essential to the practical working of the law it is a power which must be exercised with much caution and sound judgment in each case to prevent hardship as far as possible.

The Collector should refuse to allow certificates to issue against one or more selected shareholders in an estate in respect of which cess is due, until he is satisfied that the officer in immediate charge of the cess has acted judiciously in electing not to proceed against all the recorded shareholders, and that his selection of shareholders to be proceeded against has been made on sufficient grounds.

The right of selecting the debtor against whom he will proceed, which is reserved to the Collector in these cases, is no more than the law allows to every judgment-creditor in execution of a decree.

It is probable that a judicious exercise of the Collector's discretion in this matter will effect a considerable reduction of the ultimate cost of the proceedings to the defaulters, as well as of work connected with the realisation of the cess.

Notice of existence of arrears to be given prior to issue of certificates.

21. To obviate hardship, District Officers are directed to notify the existence of arrears before certificates are issued—(*a*) by putting up a list of defaulters in their offices, and (*b*) by sending warnings to defaulters by printed post-cards (see Appendix C), in all cases in which there is no reason to believe that the debtor has had intimation of his liability. In the cases of road-cess and zemindari dâk-cess collections, this procedure will probably be unnecessary, except in the rare instances in which the amount of the demand has recently been changed.

Certificate procedure not to be resorted to as a matter of course.

22. At the same time it must never be forgotten that the certificate procedure is not to be looked upon as the normal method of collecting the dues of Government. The officer responsible for the collections will in all cases be expected to show to the satisfaction of the Collector that he has done his best to realise the amount by ordinary [illegible], and that defaulters have been duly warned before the report of their names to the Collector.

Certificates not to be filed indiscriminately in the case of wards' estates.

23. The object of the extension of the certificate procedure to wards' estates is to facilitate collections, and to do this by dispensing with every step between the filing of the plaint and the making of the decree; but it is not intended that certificates should be filed in any cases in which suits would not have been instituted under the former procedure It rests with Collectors to exercise due care and discretion in the making of certificates, so as to leave no room for any misapprehension of the practice.

Execution of instalment bonds.

24. In all cases where debtors either to Government or to wards' estates are permitted to execute a bond or kistbundi for any sum realisable under the Act, they should be required to add a written agreement to the bond or kistbundi, bringing it expressly under the provisions of clause 8, section 7 of the Act, and in such cases the Collector should see that the instrument is duly registered.

* "But in the case of arrears of cesses due from revenue paying estates, a list of defaulters should always be put up after the expiry of each kist.

"Every defaulter, whose cognizance of the demand there may be reason to doubt, has been duly warned before the report of his name to the Collector." 10.2.94.

Certificates not to be issued where questions of right or title are concerned.

[illegible] not allow certificates to issue in cases where questions of right or title are concerned. When such questions arise, the Revenue Courts are at once to set aside the certificate under section 13 of Act VII (B.C.) of 1880." 3-6-89.

23A. The Government has directed that as soon as an estate comes under the Court of Wards, the first duty of the Court shall be to carry out the provisions of section 101 and the following sections of the Bengal Tenancy Act, VIII of 1885, to make a settlement of the estate, that is, to have a field measurement made and a complete record of rights prepared. Until such a record of rights is made, and every dispute between landlord and raiyat is decided, and a clear account has been prepared showing exactly what each man holds, what his tenure is, and what the demand from him is, the Manager of the estate is not to be permitted to use the certificate procedure to recover unpaid arrears, but must go on collecting only undisputed rents, or have recourse to the ordinary law. 3-5-92.

SECTION IV.—APPLICABILITY OF THE CIVIL PROCEDURE CODE (ACT XIV OF 1882) AND RULES MADE UNDER IT.

Procedure to be followed by District Collectors and officers vested with the powers of a Collector.

1. The High Court having held that (1) the words "in respect of sales in execution of decrees" in section 19 of the Act do not include any proceedings instituted after the sale for setting it aside, and (2) therefore only the provisions of the Civil Procedure Code up to the stage at which the auction sale is held apply to an execution issued to enforce a certificate, and (3) therefore the provisions of sections 311 and 312 are not applicable, the Board directed* that the following procedure should be observed by District Collectors and other officers vested with the powers of a Collector under the Public Demands Recovery Act:—

* See C. O. No. 3 of January 1887 in Appendix D.

(1). When, in execution of a certificate, immoveable property is sold by an Assistant or Deputy Collector empowered to perform the functions of a Collector under Act VII (B.C.) of 1880, no appeal against the sale lies to the Collector of the district.

(2). The officer holding the sale has no power to set the sale aside.

(3). The remedy of any person aggrieved by such sale is by appeal to the Commissioner under section 2, Act VII (B.C.) of 1868.

(4). The order of the Commissioner on such appeal is final.

(5). The Commissioner may refer the case to the Board under section 26, Act XI of 1859.

(6). As soon as a sale becomes final, the Collector must give the purchaser a certificate under section 28, Act XI of 1859, and must deliver possession under section 29.

(7). The purchase money must be applied in accordance with section 31, Act XI of 1859.

2. Attention is drawn to the following rules made under the Civil Procedure Code, which should be observed, as far as they may be applicable, in proceedings taken for enforcing certificates.

High Court circular No. 19, dated 28th April 1879. Attachment of moveable property.

3. The following are the rules made by the High Court with reference to the rules made by the Lieutenant-Governor of Bengal, under the provisions of section 269 of the Code regarding the attachment of moveable property:—

I.—When the officer who effects an attachment under section 269, Act XIV of 1882, believes that the property attached does not exceed twenty rupees in value, he shall inform the debtor, or, in his absence, any present adult member of his family, that it will be sold by public auction at once without the issue of any proclamation under section 287. In case the decree-holder or the judgment-debtor, or any person on his behalf, objects to the adoption of the course, the attaching officer will convoke a punchayet of not less than three respectable adult male inhabitants of the

neighbourhood, of whom ordinarily the headman of the village should be one, and will require them to assess the value of the property. If they determine that it exceeds Rs. 20 in value, he shall deal with it under the rules framed by the Lieutenant-Governor of Bengal, otherwise he shall forthwith proceed to sell it by auction, after giving such reasonable notice, as the circumstances of the case admit of, to intending purchasers.

II.—At the time of making an application under section 230, Act XIV of 1882, for the attachment of moveable property in the possession of the judgment-debtor, the decree-holder shall pay into Court the costs of issuing the proclamation of sale under section 287 of the Act, unless the value of the property, the attachment of which is applied for, is alleged by him not to exceed Rs. 20 in value. In this case, should the value of the property, as determined by the above rule, be found to exceed Rs. 20, the Court shall require the decree-holder to pay the costs of the proclamation immediately on receipt of notice of attachment.

Maintenance and custody of live-stock and other moveable property under attachment.

4. The following are the rules referred to in the above clause made by the Lieutenant-Governor of Bengal under section 269 of the Code for the maintenance und custody, while under attachment, of live-stock and other moveable property above the value of twenty rupees :—

I.—The attaching officer shall give the debtor, or, in his absence, any present adult member of his family, the option of having the attached property kept on his premises, or in some other place in the village, on condition that a suitable place for its safe custody be provided by him.

II.—If no such suitable place be provided, the officer shall remove the property to the Court at the decree-holder's expense. In the event of the decree-holder failing to provide the necessary funds, the attachment shall be withdrawn.

III.—Whenever attached property is kept at the place where it is attached, the officer shall forthwith report the fact to the Court, and shall, with his report, forward an accurate list of the property seized, such that the Court may thereon at once issue the proclamation of sale prescribed by section 287.

IV.—If the debtor shall give his consent in writing to the sale of the property without awaiting the expiry of the term prescribed in section 290, the officer shall receive the same and forward it without delay to the Court for its orders.

V.—When property is removed to the Court, it shall be kept by the nazir on his own sole responsibility in such place as may be approved by the Court. If the property cannot, from its nature or bulk, be conveniently kept

in the Court premises, or in the personal custody of the nazir, he may, subject to approval by the Court, make such arrangements for its safe custody under his own supervision as may be most convenient and economical, and the Court may fix the remuneration to be allowed to the persons, not being officers of the Court, in whose custody the property is kept.

VI.—When property remains at the place where it is attached, in the custody of the attaching officer, and any persons other than the judgment-debtor shall claim the same, or any part of it, the officer shall nevertheless, unless the decree-holder desires to withdraw the attachment of the property so claimed, remain in possession, and shall direct the claimant to prefer his claim to the Court.

VII.—If the decree-holder shall withdraw an attachment, or if it shall be withdrawn under Rule II or Rule IX, the attaching officer shall inform the debtor, or, in his absence, an adult member of his family, that the property is at his disposal.

In the absence of any person to take charge of it, or in case the officer shall have had notice of claim by a person other than the judgment-debtor, the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

VIII.—Whenever live-stock is kept at the place where it has been attached, the judgment-debtor shall be at liberty to undertake the due feeding and tending of it, under the supervision of the attaching officer; but the latter shall, if required by the decree-holder, and on his paying for the same, at a rate to be fixed by the District Judge, and subject to the orders of the Court under whose orders the attachment is made, engage the services of as many persons as may be necessary for the safe custody of it.

IX.—In the event of the judgment-debtor failing to feed attached live-stock, the officer shall call upon the decree-holder, either to pay for feeding it on the spot, or for the expenses attending its removal to the Court. If the decree-holder shall fail to provide for either, the officer shall report the matter to the Court without delay.

X.—When attached live-stock is brought to Court, the nazir shall be responsible for the safe custody and proper feeding of it so long as the attachment continues.

XI.—If there be a Government pound in or near the place where the Court is held, the nazir shall be at liberty to place in it such attached live-stock as can be properly there kept, in which case the pound-keeper will be responsible for the property to the nazir, and shall receive the same rates for accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

XII.—If there be no pound available, or if in the opinion of the Court it be inconvenient to lodge the attached live-stock in the pound, the nazir may keep it in his own premises, or he may entrust it to any person selected by himself and approved by the Court. The nazir will in all cases remain responsible for the custody of the property.

XIII.—Each Court shall from time to time fix the rates to be allowed for the custody and maintenance of the various descriptions of live-stock with reference to seasons and local circumstances. The District Judge may make any alterations he deems fit in the rates prescribed by Courts subordinate to him. Where there are two or more Courts in the same place, the rates shall be the same for each Court.

XIV.—The officer deputed to attach moveable property should be furnished with a certificate stating the period for which the court-fee required under Rule (1), Article 4, Parts II, III IV of the Court-fee Rules has been paid, and he shall give notice thereof to the judgment-debtor or other person at whose instance he remains in possession at the place of attachment, and if such person shall desire that the property shall remain at that place for a longer period, he shall be bound to pay into Court, in advance, the further fee as required by Rule IV.

5. The following rules have been framed by the High Court, under section 652 of the Civil Procedure Code, regarding the amount of deposit to be made by a decree-holder purchasing with the leave of the Court:—

Amount of deposit to be made by decree holder purchasing with leave of the Court.

I.—When the amount to be paid by a decree-holder buying with the leave of the Court, and who has signified his intention of claiming a set-off, is not more than the amount due to him under the decree, and for the costs of executing it, the deposit required shall not exceed the amount of the court-fees due on the sale under clause F, Article 6, Parts II, III, and IV of the rules under the Court-fees Act, section 20, clause I.

II.—When the amount of purchase-money exceeds the amount due to the decree-holder as above, but such excess, together with the amount of court-fees due for the sale does not exceed 25 per cent. of the purchase-money, the deposit required shall not exceed the amount of such excess and court-fees.

III.—When the excess, with or without the court-fees for the sale, is greater than 25 per cent. of the purchase-money, the full deposit of 25 per cent. shall be required as authorized by section 306.

IV.—Whenever the amount due as court-fees for the sale of the property has been deposited under Rule I or Rule II, the Court shall, at the time of confirming the sale, direct that such sum be applied by an officer of the

Note 1.—All requisitioning officers' Register 9 must be submitted weekly to the Collectorate; the serishtadar is to be held responsible that they are compared with Register 10 and returned without delay. 3-5-89.

Court to the purchase of the necessary stamps, and shall cause the same to be attached to the proceeding containing the order of confirmation, and to be then and there properly defaced. All Judges will be held personally responsible for compliance with this order which, if attended to at the proper time, will give no appreciable trouble.

Immoveable property.

6. Although the Board consider it unnecessary to direct that the High Court rules relating to the sale of immoveable property shall be held to be binding on Collectors, they desire to point out that the whole tendency of the certificate law is to proceed to sale only in the last resort, and to afford the judgment-debtor every reasonable opportunity of saving his property. The Board do not say that the sale of immoveable property in execution of a certificate is a proceeding which should never be resorted to, but they believe that cases will seldom occur in which the actual completion of a sale is necessary; and they are certainly of opinion that all officers should exercise the stringent powers which the Act puts into their hands in a lenient and considerate spirit.

Certificates of sale to be stamped.

7. Act I of 1879, Schedule I, Article 16, applies to all certificates of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Court or Collector or other Revenue officer. Such certificates of sale must, therefore, be duly stamped.

Orders of attachment of estates to be notified by Civil Courts to the Collector of the District concerned.

8. The circular order of the High Court, No. 2 of 10th January 1871, directs that all orders by all Civil Courts for the attachment of estates and shares of estates shall be immediately notified to the Collector of the district within which such estates or shares are situated.

It is the duty of Collectors to ascertain whether this circular order is duly complied with. If it is found that this is not the case, the Collector should address the Judge of the district, requesting him to cause the practice enjoined by the High Court to be observed in all the Courts of the district.

Section V.—Returns and Registers.

Return V.

1. The form of quarterly Return V (Appendix E) of certificate cases under Act VII (B.C.) of 1868 and Act VII (B.C.) of 1880 should be transmitted by District Officers to the Commissioners.

Registers.

2. The necessity of organising the system on which the mass of business under the Act is carried on, as between the different branches of the Collectorate, has led to the establishment of three registers in the Certificate Department, which are to be known as Nos. 9, 10, and 11 (Appendix F).

3. It will be observed that Register 9 is a register of requisitions, and will be kept up by the Requiring* Officers, while Register 10 is a

* *Note.*—Each Requiring Officer on the district staff is to keep a separate register in form 9.

register of certificates, and will be kept up by the Certificate Officer. In all respects they are distinct and separate from one another. Every certificate being entered in the Requiring Officer's register before it is made over to the Certificate Deputy Collector, this register will afford an efficient check that no certificate is omitted from Register 10. The existence of this register will enable the Requiring Officer to keep up a persistent and regular system of requisition upon the Certificate Deputy Collector, until the demand of the certificate is realised. The value of the Register 9 as a system of check is therefore based on the assumption that the offices of the Requiring Officer and of the Certificate Deputy Collector are entirely separate. Under the system in force these offices are, as a rule, to be separate. If, however, in any case, as in Chittagong (under the arrangement sanctioned for khas management) the functions of requisition and of execution of the certificate are unavoidably exercised by the same officer, both the registers prescribed must be kept up by that officer, and it will be necessary for him to exercise a special personal vigilance to see that the check which these registers effect on two departments under his own control is duly maintained.

4. The third register, 11, is intended solely as a check on the Nizarut. It must therefore not be kept up by the Nazir, nor in his office. The Nazir's signature will, however, be obtained in it as processes are made over to him, and returned by him, after service.

'(1) Register No. 9 of all requisitioning officers must be compared with register No. 10. This comparison will be made monthly, provided that requisitions have been sent to the certificate officer during the previous month. The sarishtadar will be held responsible that the comparison is made quickly, and register No. 9 returned without delay to the office from which it was received. When requisitions are sent to subdivisional officers who exercise the powers of a certificate officer, the comparison will be made in the Subdivisional Office." 3-1-90.

3A. Difficulty having been experienced in exercising a proper checks over the two Registers 9 and 10 in consequence of their being kept in different offices, and also in ensuring that requisitions are promptly attended to, and that the stamps attached to such requisitions are not tampered with, the Board direct that the procedure indicated in the subjoined rules is to be strictly observed in future :—

Checks to be exercised.

(1) All requisitioning officers' Register 9 must be submitted weekly to the Collectorate; the serishtadar is to be held responsible that they are compared with Register 10 and returned without delay.

(2) Requisitions are to be addressed and sent to the Certificate Deputy Collector in a cover which he is to open. He is to have all stamps punched in his presence.

(3) Requisitioning officers are also to send lists in duplicate, showing the requisitions enclosed in the cover, with necessary details as to stamps. This list is to be compared by the Deputy Collector with the requisitions received, and he will then sign one copy and return it to the requisitioning officer as a receipt.

3-5-89.

APPENDIX A.

[*See Section I, rule* 1.]

List of demands falling under sections 5 *and* 7 *of Act VII (B.C.) of* 1880.

Description of demand.	Act by which it is declared realizable as an arrear of revenue.
I.—UNDER SECTION V.	
(a) Clause 1.	
Balance of sale proceeds remaining after deduction of expenses of sale, being insufficient to liquidate the arrears of revenue due from an estate or tenure	.....
(b) Clause 2.	
Arrears of revenue due from a farmer	.....
II.—UNDER SECTION VII.	
Article 1.	
Fines imposed by the Board on persons failing to attend in person when required	Regulation II of 1793, section 33.
Fines imposed on proprietors, farmers, &c., omitting or refusing to attend or cause their agents to attend with accounts, information, &c., required by Collectors with sanction of the Board in cases connected with their public duty and not expressly provided for by any Regulation in force ...	Regulation XII of 1817, section 32. Act XX of 1848, section 1.
Sums adjudged by Collectors in favour of patwaris and fines...	Regulation XII of 1817, section 36.
Fines imposed by the Board on persons not attending or not producing accounts before Collector, &c., engaged in resumption enquiries	Regulation II of 1819, section 13.
Fines imposed by the Board on persons resisting such proceedings	Regulation II of 1819, section 14.
Specific sums of money, or costs or damages awarded by Collectors engaged in enquiries under Regulation VII of 1822	Regulation VII of 1822, section 23, clause 3.
Fines imposed on proprietors, farmers, &c., neglecting to provide supplies, boats, temporary bridges, &c., for troops upon Collector's requisition	Regulation VI of 1825, section 4.
Charges of witnesses and other costsadjudged by Collectors enquiring in course of settlement proceedings into validity of grants claimed to be held revenue-free or at fixed revenue, or exercising judicial powers under the Regulations *then* in force	Regulation IX of 1825, section 5, clause 10.
Money recoverable from public accountants and their sureties on account of loss or defalcation in their accounts ...	Act XII of 1850, section 4. Act XIII of 1857, section 16.
Opium advances	Act XI of 1859, section 23.
The difference between a bid not made good and the proceeds of a second sale necessary in consequence... ...	Act II of 1886, section 30(1).
Income-tax	Act VI of 1879, section 10.
Recovery of fees under the Elephant Preservation Act ...	Act IX (B.C.) of 1879, section 46.
Sums due from officers under the Court of Wards and their sureties	Act VI (B.C.) of 1880, sections 26 and 38.
Amounts payable in respect of improved or reclaimed lands under drainage scheme	
Article 2.	
Money due from sureties of a farmer	.....
Article 3.	
Zemindari dák cess	Act VIII (B.C.) of 1862, section 9.
Payment of full court-fee on probate or letters-of-administration and certificates in cases where less value is paid in the first instance	Act VII of 1870 (The Court-fees Act), sections 19G, 19H, and the note to paragraph 12 of schedule 1.
Famine loans	Act IV (B.C.) of 1875, section 1.
Survey charges	Act V (B.C.) of 1875, section 57.
Irrigation rates	Act III (B.C.) of 1876, sections 42, 73, and 85.
Land registration fees, fines, &c.	Act VII (B.C.) of 1876, section 82.
Fees, fines, cost, &c., in partition cases	Act VIII (B.C.) of 1876, section 138.
Sums due from excise farmers	Act VII (B.C.) of 1878, section 36.

Description of demand.	Act by which it is declared realizable as an arrear of revenue.
Article 4.	
Money due from a farmer of tolls under the Canals Act of 1864 or his sureties	.....
Article 5.	
Arrears due from farmers of ferries	.....
Article 6.	
Arrears of revenue or rent payable to the Secretary of State for India in Council from a ryot or from any other person holding any interest in land, pasturage, forest rights, fisheries, and the like	.....
Article 7.	
Arrears of rent due from estates under the Court of Wards, &c.	.....
Article 8.	
Any sum payable to a public officer of Government and contracted for as payable under the Act by a written and duly registered instrument	.....
Article 9.	
Any fee, duty, tax, or other demand which by any Act passed after Act VII (B.C.) of 1880 shall be declared to be recoverable under the provisions of Act VII (B.C.) of 1880, section 7 clause 9, viz.—	
(1) Arrear of road and public works cesses	Act IX (B.C.) of 1880, section 98.
(2) Cesses recoverable from shareholders in estates by their registered co-sharers	Act IX (B.C.) of 1880, section 49.
Interest on arrear of rent due to wards' estates and costs incurred in executing certificate	Act III (B.C.) of 1881, section 10.
(4) Expenses incurred by the Court of Wards after release of estate	Act III (B.C.) of 1881, section 11.
(5) Embankment expenses	Act II (B.C.) of 1882, section 70.
(6) Loans for Land Improvement	Act XIX of 1883, section 7.
(7) Loans to Agriculturists	Act XII of 1884, section 5.
(8) Expenses apportioned between landlord and tenants under Chapter X of the Bengal Tenancy Act	Act VIII of 1885, section 114.

APPENDIX B.

[*See Section I, rule* I.]

Extract from the Board's letter to Government, No. 267A, dated 29th April 1882.

3. At first sight it appears as if the special appointment of an officer to exercise the powers of a Collector under the Act would be to transfer from the Collector of the district the administration of one of the most important and responsible portions of a Collector's functions. But this view is more apparent than real; for the Act, as it stands, empowers a Collector to make over to any subordinate all business under the Act with one or two exceptions. The Board have examined the question in communication with some of the local officers, and the opportunity seems now a good one for considering what restrictions should be put on the exercise of such powers, whether by an officer specially appointed by the Lieutenant-Governor to exercise the functions of a Collector under the Act, or by any other subordinate of the Collector.

4. Section 12 allows any person on whom a notice of a certificate has been served under section 10 of the Act to appear before the Collector by whom such certificate has been made within the 30 days which must elapse before any compulsory action is taken, and there to deny his liability to pay the whole or

any part of the amount for which such certificate has been made and filed against him. Under section 15 the Collector may refer any such petition of objection to any Deputy Collector, &c., subordinate to him, who shall "hear and determine such petition accordingly." This is really the most important and responsible function under the Act, and no special order from the Lieutenant-Governor is required to enable a Collector to make over the discharge of it to a subordinate (subject of course to the ordinary checks of appeal to and control by the Collector.)

5. It should be clearly understood that the special appointment by the Lieutenant-Governor, which is the subject of this letter, will not have the effect of conferring on the officer specially appointed any powers or functions preceding the actual making of the certificate. The power of determining that the sum to be recovered is due to the Collector will generally be exercised by another officer under powers vested in him irrespectively of this Act. For instance, the fine to be recovered will have been imposed in a settlement proceeding by the Settlement Officer, or in a proceeding under the Cess Act by the Deputy Collector in charge of the Cess Department, or the balance of rent due from a tenant in a Government estate which is to be recovered by compulsory means will have been determined by the Deputy Collector who is more immediately in charge of the management of Government estates. Each of these officers will notify the due so determined to the officer specially appointed by the "Lieutenant-Governor to exercise the power of a Collector under the Act," with a view to its being recovered by the certificate procedure.

6. The only substantial point for the exercise of this officer's discretion at this stage will be whether the amount so determined to be due shall be recovered by the certificate procedure or not; if so, he will "make under his hand," that is, sign the certificate which will start that procedure, and in regard to which the notice under section 10 will issue. Then, if within the 30 days which must elapse before any compulsory action can be taken on that notice, an objection is presented by the person against whom the certificate has been made denying his liability to pay the whole or any part of the amount for which such certificate has been made and filed against him, the officer in question, in virtue of his special appointment to exercise the functions of a Collector, will have power either to hear and determine the objection himself under section 12 *et seq.*, without special reference from the Collector, or to refer it for hearing and determination to any subordinate of the Collector. As pointed out in paragraph 4 above, this officer or any other subordinate of the Collector is already empowered by the Act to hear and dispose of such a petition of objection if referred to him for disposal by the Collector.

7. When once the certificate is made, any subordinate of the Collector may, under section 19, exercise all powers necessary to its execution, with the one reservation specified in the section.

8. Thus the special appointment by the Lieutenant-Governor will have the effect of conferring on the officer appointed no powers not already vested in him by law, except those specified in article 1 of the annexed draft instructions; and the question is, how far restrictions should be imposed on the exercise of these powers by specially appointed officers generally.

9. The annexed list embraces, it is believed, all the classes of cases in which a Collector is called upon to make certificates. It will be seen that in many of them the "making of a certificate under his hand" for the recovery of the demand is the mere formulation of an order already passed by competent authority in the exercise of legal powers. Such are the items specified under article 2, clause (*b*), section 8 of the Act—"fines imposed or costs, charges and expenses, damages, duties, or fees adjudged by a public officer under the provisions of any law for the time being in force."

In such cases there can be no hesitation in vesting a subordinate of the Collector with powers to make the certificates.

10. In these cases there can be no room for objection under section 12 as to whether the amount is due or not, nor as to whether the person named is liable; the order of the authority who imposed the fine (and who has himself moved for its realisation by certificate) in itself creates the liability. In such cases the necessity which the law imposes of allowing 30 days to expire after the issue of notice of certificate under section 10 before process of attachment or any other compulsory process issues is so much grace allowed to the person who is liable to pay without attaining any other object than to give him time for payment.

11. In almost all other classes of cases, such as arrears of revenue remaining due after the sale of an estate, and in such cases as those marginally noted, the fact that the amount is due from the person named will have been ascertained and pronounced upon by the responsible revenue officer in charge of a particular branch of the business of a Collector's office on the best information which the records of the office afford.

Arrears of rent from tenants on Government estates, sums due from farmers of ferries, or of excise, or of tolls; arrears of different taxes and cesses; irrigation rates, embankment expenses, famine loans, fees authorized by law on land registration, and other revenue proceedings; court-fees on probates or letters-of-administration.

In cases of this nature a copy of the certificate and notice of the certificate is issued to the person named therein, and he is invited to come forward under section 12 with any objection he may have, denying his liability, in default of which he is warned that process will issue after 30 days for the realisation of the amount as an undisputed due, the debtor being prohibited in the meantime from alienating his immoveable property. The real difficulty and responsibility in such cases begins when an objection under section 12 is presented.

12. The accompanying draft of a set of instructions has been prepared by the Board. In accordance with these views, it is believed that, under the restrictions therein imposed, an officer might with safety be specially appointed by the Lieutenant-Governor in each district of these provinces to exercise the functions of a Collector under the Act, with the result that the Collector personally would be relieved of a mass of detail work which might be done as well by his subordinate, and that he would at the same time be enabled to retain his hold on the really important points in the administration of the Act.

APPENDIX C.

[*See Section III, rule* 21.]

Post-card Warning.

Take notice that you are liable to Government for the sum of Rs. on account of (†). If you do not pay this amount within seven days, a certificate will be made against you, and the cost of executing the same will be levied from you according to law.

APPENDIX D.

[*See Section IV, rule* 1.]

Circular Order No. 3 of January 1887.

1. The Board's Circular No. 1 for August 1883 is cancelled.
2. The attention of all officers who are entrusted with the working of the Public Demands Recovery Act, 1880, is drawn to the judgment passed by the High Court on the 30th April 1886, in the case noted in the margin. The portions of this judgment, which bear upon the present question, are extracted below.

MR. REYNOLDS.

Mitter and Norris, J. J.

Sadhusarun Singh and another, plaintiffs ... ... *Appellants*

Versus

Panchdeo Lall and others, defendants ... ... *Respondents*

I. L. R. 14. Calcutta, 1.

3. In this case a share of an estate belonging to the plaintiffs was sold on the 16th September 1881, in execution of a certificate for arrears of road and public works cesses due up to the September kist of 1880, and was purchased by

† Here enter the nature of the demand, as cesses, water-rate, embankment dues, &c.

the defendants. The plaintiffs applied to the Collector to set aside the sale, and their application was rejected. They appealed to the Commissioner, who rejected the appeal; and they then brought a suit in the Civil Court, which was dismissed by the Subordinate Judge, but was remanded by the High Court on the grounds set forth in their decision.

4. The learned Judges, after pointing out that a certificate does not become absolute, unless the notice under section 10 is shown to have been served, proceed as follows to explain the law regarding appeals from sales of immoveable property held in execution of certificates :—

"Supposing that there are material irregularities in publishing or conducting a sale held in execution of a certificate issued under Act VII (B.C.) of 1880, and supposing such irregularities have caused substantial injury to the owner of the property sold, what are his remedies? Is he entitled to proceed under section 311 of the Civil Procedure Code, or section 2, Act VII (B.C.) of 1868, by way of appeal to the Revenue Commissioner against such sale? or is he entitled to pursue both these remedies?

"There is no express provision in Act VII of 1880, or the cognate Acts, that the judgment-debtor in a case like this would be entitled to pursue both remedies. It would also create very great confusion, and might result in conflicting orders of concurrent courts, if it were held that both remedies are open to him. Section 19 of Act VII (B.C.) of 1880 says that all the practice and procedure provided by the said Code of Civil Procedure in respect of sales in execution of decrees, &c, shall apply to every execution issued to enforce a certificate. It seems to us that the words 'in respect of sales in execution of decrees' do not include any proceedings instituted after the sale for setting it aside. We think therefore that only the provisions of the Procedure Code up to the stage at which the auction sale is held apply to an execution issued to enforce a certificate, and therefore the provisions of sections 311 and 312 are not applicable. * *

* * We are of opinion that the only remedy of a judgment-debtor, whose property has been sold in execution of a certificate issued under Act VII (B.C.) of 1880, and who has sustained substantial injury by reason of a material irregularity in publishing or conducting the sale, is by way of an appeal under section 2 of Act VII of 1868, Bengal Council * * * * *

We think that by the force of section 2, Act VII of 1880, the provisions of section 2, Act VII (B.C.) of 1868, became applicable to a sale under an execution issued upon a certificate made under Act VII of 1880 * * * * . The effect of this section is that Act XI of 1859 and Act VII of 1868, and Act VII of 1880 are to be considered as if the provisions contained in them were contained in one Act, so far as such construction is consistent with the terms of the lastmentioned Act. That being so, the sale in this case may be considered as a sale under Act VII of 1868, within section 2 of that Act. The appeal under that section against the sale therefore lies to the Revenue Commissioner. Similarly, all sales under Act VII of 1880 would become final in the manner and at the time provided in section 27 of Act XI of 1859."

5. In accordance with this decision of the High Court, the following procedure should be observed by District Collectors and other officers vested with the powers of a Collector under the Public Demands Recovery Act :—

(1). When, in execution of a certificate, immoveable property is sold by an Assistant or Deputy Collector empowered to perform the functions of a Collector under Act VII. (B.C.) of 1880, no appeal against the sale lies to the Collector of the district.

(2). The officer holding the sale has no power to set the sale aside.

(3). The remedy of any person aggrieved by such sale is by appeal to the Commissioner under section 2, Act VII (B.C.) of 1868.

(4). The order of the Commissioner on such appeal is final.

(5). The Commissioner may refer the case to the Board of Revenue under section 26, Act XI of 1859.

(6). As soon as a sale becomes final, the Collector must give the purchaser a certificate under section 28, Act XI of 1859, and must deliver possession under section 29.

(7). The purchase-money must be applied in accordance with section 31, Act XI of 1859.

APPENDIX E.

[*See Section V, rule* 1.].

Quarterly Return V.—Certificates filed under Act VII (B.C.) of 1880.

Description of Certificate.	Number pending from last quarter.	Number filed during quarter.	Total.	Disposed of during quarter.				Pending.			Number of appeals to Commissioner or Collector instituted in quarter, section 16.	Number of civil suits brought in quarter to cancel certificates, section 8 (*b*).	Amount covered by certificates made during the quarter.	Remarks.
				Cancelled on objection.	Struck off.	Fully discharged.	Total.	*More than six months.*	Less than six months.	Total, column 4, less column 8.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. Of all kinds under section 5, Act VII (B.C.) of 1880														
2. To realise arrears of rent due to Government, clause 6, section 7														
3. To realise embankment dues, section 70, Act II (B.C.) of 1882 ...														
4. To realise water-rates, &c., Act III (B.C.) of 1876														
5. To realise cesses, Act IX (B.C.) of 1880														
6. To realise Court of Wards' demands, clause (7), section 7, Act VII (B.C.) of 1880														
7. All other certificates made under section 7														
Total ...														

N.B.—Pending cases shown in column 9 must be explained in the Explanation sheet.

The 188 *District Officer.*

EXPLANATION SHEET FOR RETURN V.

Table.	Heading.	Column.	EXPLANATION.

APPENDIX F.

[*See Section V, rule 2.*]

Register 9.—Requisitions for Certificates under Act VII (B.C.) of 1880 *(to be kept by each Requiring Deputy Collector or other public officer issuing the notice under section 9 of the Act*).*

1	2	3	4			5	6	7	8	9	10
Serial number.	Nature of claim.	Name and address of defaulter.	Amount due.			Date on which requisition is made to the Certificate Officer. (Initials of Certificate Officer.)	Date on which petition of objection, if any, is received by the Requiring Officer from Certificate Officer for disposal † (Initials of Requiring Officer.)	Date of disposal of petition.	Date of return of petition with connected file to Certificate Officer.	Date of final disposal of certificate with note of the manner in which disposed of (whether payment or item struck off as irrecoverable).	REMARKS.
			Rs.	A.	P.						

* If the Requiring Officer is not a Deputy Collector, columns 6, 7, and 8 will of course remain blank.

† *See* rules 9 and 10, Section II of this Part of this Manual.

[*See Section V, rule 2*]

Register 10.—*Certificates made under Act VII (B.C.) of* 1880 (*to be kept by the Certificate Officer*).

1	2	3	4	5			6	7	8	9	10			11	12			13			14			15	16	17
Serial number.	Date of receipt by Certificate Officer of notice from officer other than a Collector under section 9 (if any).	Name and address of debtor.	Nature of claim.	Amount of claim.			Date of certificate.	Section of Act under which certificate is made.	Date of receipt of petition under section 12.	Date of Certificate Officer's order forwarding the petition to the requiring Officer for disposal.	Amount of claim, including costs, if any, ordered under section 14.			Date of receipt of order in appeal.	Amount of claim, including costs, if any, under appellate order.			Amount of claim satisfied by payment on issue of the notice of certificate under section 10, without further compulsory process.			Amount realized by any further process.			Date and number of the treasury challan.	Entry of satisfaction by Collector, *vide* section 22 (*b*).	REMARKS.
				Rs.	A.	P.					Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.			

NOTE 1.—In cases of notices under section 9 of the Act, columns 1, 2, 3, 4 and 5 will be filled in from the notices, and the subsequent procedure in connection with the issue of certificates under the same section of the Act will be shown in some or all of the columns 6 to 16.

2.—In the case of other certificates issued, entries will be made in columns 3 to 16 as necessary.

3.—Amounts should be entered in column 13, even though they are paid after the making and disposal of an objection under section 12.

4.—The particular process, such as attachment of property, sale, &c., under which any sum entered in column 14 is realised, should be indicated.

[*See Section V, rule 2.*]

Register 11.—*Processes made over to the Nazir for service, and of orders issued to him for execution in connection with certificates filed.*

1	2	3	4	5	
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N.B.—This register being intended as a check on the Nazir's department, must not be left in the hands of the Nazarut establishment.

E. D'S. & others—Reg. No. 11450J—700—18-3-89.

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